

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

TIMOTHY JACKSON,  
*Plaintiff,*

V.

Civil Action No. 4:21-cv-00033

LAURA WRIGHT, MILTON B. LEE,  
MELISA DENIS, MARY DENNY,  
DANIEL FEEHAN, A.K. MAGO,  
CARLOS MUNGUÍA, AND G.  
BRINT RYAN, each in their official  
capacities as members of the board of  
regents for the University of North  
Texas System; RACHEL GAIN;  
ELLEN BAKULINA; ANDREW  
CHUNG; DIEGO CUBERO; STEVEN  
FRIEDSON; REBECCA DOWD  
GEOFFROY-SCHWINDEN;  
BENJAMIN GRAF; FRANK  
HEIDLBERGER; BERNARDO  
ILLARI; JUSTIN LAVACEK; PETER  
MONDELLI; MARGARET NOTLEY;  
APRIL L. PRINCE; CATHY  
RAGLAND; GILLIAN ROBERTSON;  
HENDRIK SCHULZE; VIVEK  
VIRANI; AND BRIAN F. WRIGHT,  
*Defendants.*

**DEFAMATION DEFENDANTS' MOTION FOR SUMMARY JUDGMENT APPENDIX**

Defendants' Objections and Answers to Plaintiff's Second Set of Interrogatories .....	Appx.001
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Cubero deposition excerpts .....	Appx.052
Gain deposition excerpts .....	Appx.056
Geoffroy-Schwinden deposition excerpts .....	Appx.066

Graf deposition excerpts .....	Appx.074
Heidlberger deposition excerpts .....	Appx.078
Jackson deposition excerpts.....	Appx.081
Kohanski deposition excerpts .....	Appx.088
Slottow deposition excerpts .....	Appx.093
Walls deposition excerpts .....	Appx.097
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

TIMOTHY JACKSON,

*Plaintiff,*

v.

LAURA WRIGHT, et al.,

*Defendants.*

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Civil Action No. 4:21-cv-00033-ALM

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**DEFENDANTS' OBJECTIONS AND ANSWERS TO  
PLAINTIFF'S SECOND SET OF INTERROGATORIES**

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To: Plaintiff Timothy Jackson, by and through his counsel of record, Michael Thad Allen, ALLEN LAW, LLC, PO Box 404, Quaker Hill, CT 06375.

Defendants serve these Objections and Answers to Plaintiff's Second Set of Interrogatories, pursuant to the Federal Rules of Civil Procedure.

Respectfully submitted.

**KEN PAXTON**

Attorney General

**BRENT WEBSTER**

First Assistant Attorney General

**RALPH MOLINA**

Deputy First Assistant Attorney General

**JAMES LLOYD**

Deputy Attorney General for Civil Litigation

**KIMBERLY GDULA**

Chief, General Litigation Division

*/s/ Mary B. Quimby*

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**BENJAMIN S. WALTON**

*Lead Attorney*

Texas Bar No. 24075241

**MARY B. QUIMBY**

Texas Bar No. 24132506

Assistant Attorneys General

General Litigation Division

Office of the Attorney General

P.O. Box 12548

Austin, Texas 78711

(512) 463-2120 – Phone

(512) 320-0667 – Fax

[benjamin.walton@oag.texas.gov](mailto:benjamin.walton@oag.texas.gov)

[mary.quimby@oag.texas.gov](mailto:mary.quimby@oag.texas.gov)

***Counsel for Defendants***

### CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2024, a true and correct copy of this document was served via e-mail to the following counsel of record:

Michael Thad Allen, Esq.  
ALLEN LAW, LLC  
PO Box 404  
Quaker Hill, CT 06375  
(860) 772-4738 (phone)  
(860) 469-2783 (fax)  
[mallen@allenharrislaw.com](mailto:mallen@allenharrislaw.com)

Jonathan Mitchell  
MITCHELL LAW PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940 (phone)  
(512) 686-3941 (fax)  
[jonathan@mitchell.law](mailto:jonathan@mitchell.law)

*Counsel for Plaintiff*

/s/ Mary B. Quimby  
**MARY B. QUIMBY**  
Assistant Attorney General

**DEFENDANTS' OBJECTIONS AND ANSWERS**  
**TO PLAINTIFF'S SECOND SET OF INTERROGATORIES**

**INTERROGATORY 11:** The Ad Hoc Panel Report incorporates an “Exhibit 3” that refers both to “bigoted behaviors by faculty” as well as states that “Specifically, the actions of [Plaintiff] Dr. Jackson—both past and present—are particularly racist and unacceptable”; therefore, please identify any witness, whom you contend can identify Plaintiff’s “racist actions” or “racist behaviors” at any time, past or present, and for each such witness, please state the following:

- a. The specific action or behavior that the witness identifies as “racist”;
- b. The specific time, date, and location that the supposed “racist” actions or behavior occurred;
- c. The nature of the action that the witness claims is “racist”;
- d. Any documents that the witness claims substantiate the assertion that the specific action was “racist.”

**ANSWER:** Defendants object to this interrogatory to the extent it may be interpreted to seek information regarding the identity of witnesses that Defendants may seek to call at trial, because such a request seeks information protected by the attorney client and work product privileges. Defendants will provide their witness list in accordance with the rules and orders of the Court.

To the extent this interrogatory may be interpreted to seek information regarding these individuals’ factual knowledge, Defendants object because this information is not within Defendant’s possession or control. Specifically, Defendants do not have possession or control over third parties’ knowledge regarding the statements in Exhibit 3. Defendants cannot compel unnamed witnesses to provide information regarding their potential knowledge about the statements in Exhibit 3. Objecting further, Defendants state that Plaintiff has equal access and ability to obtain this information.

Defendants also objects to this request as disproportionate to the needs to the case. Specifically, knowledge of third-party witnesses who believe Plaintiff has engaged in racist actions or behaviors is not relevant to Plaintiff’s defamation claim against the Defendants.

Subject to and without waiving the objection, see response to interrogatory #12, and additionally the deposition testimony of Levi Walls, Rachel Gain, and Peter Kohanski, and documents produced by those witnesses.

See also documents produced with these interrogatory responses. Defendants will supplement if additional information becomes available.

**INTERROGATORY 12:** Not limited as to time, for each Individual Defendant, identify any specific action or behavior of Plaintiff Timothy Jackson that the Individual Defendant claims is or was “racist,” and for each such Individual Defendant, please state the following:

- a. The specific action or behavior that the Individual Defendant identifies as “racist”;

- b. The specific time, date, and location that the supposed “racist” action or behavior occurred;
- c. The nature of the action that the Individual Defendant claims is “racist”; and
- d. Any documents that the Individual Defendant claims substantiate the assertion that the specific action was “racist.”

As to ELLEN BAKULINA:

As to ANDREW CHUNG:

As to DIEGO CUBERO:

As to STEVEN FRIEDSON:

As to REBECCA DOWD GEOFFROY-SCHWINDEN:

As to RACHEL GAIN:

As to BENJAMIN GRAF:

As to FRANK HEIDLBERGER:

As to BERNARDO ILLARI:

As to JUSTIN LAVACEK:

As to PETER MONDELLI:

As to MARGARET NOTLEY:

As to APRIL L. PRINCE:

As to CATHY RAGLAND:

As to GILLIAN ROBERTSON:

As to HENDRIK SCHULZE:

As to VIVEK VIRANI:

As to BRIAN F. WRIGHT:

**ANSWER:** Defendants object to this interrogatory because it is overly broad and unduly burdensome. For example, it is not limited in time, and Professor Jackson has worked at UNT for decades. Defendants further object to this interrogatory because as to all the Individual Defendants who are faculty members at UNT (i.e., every Individual Defendant besides Rachel Gain), the

interrogatory seeks information not relevant to any party's claim or defense and not reasonably calculated to lead to the discovery of admissible evidence. None of the Individual Defendants who are faculty members accused Professor Jackson of any "racist" action or behavior.

Defendant also objects to this interrogatory as better suited as a deposition question. Indeed, eight of the identified Defendants below have been deposed in this case, thus Plaintiff had the opportunity to pose this question in their depositions.

Subject to and without waiving the foregoing objections, Defendants state as follows:

As to ELLEN BAKULINA: See Deposition Testimony.

As to ANDREW CHUNG: See Deposition Testimony.

As to DIEGO CUBERO: Sections of Timothy Jackson's response in Vol. 12 of the Journal for Schenkerian Studies base his argument on racial stereotypes and tropes. Otherwise, I am not aware of other actions or behaviors by Dr. Jackson that could be considered "racist, other than what I identified in my deposition testimony.

As to STEVEN FRIEDSON: Timothy Jackson's response in Vol. 12 of the Journal for Schenkerian Studies expressed racist sentiment insofar as his main argument relies on racial tropes and stereotypes. Otherwise, I am not aware of other actions or behaviors by Dr. Jackson that could be considered "racist."

As to REBECCA DOWD GEOFFROY-SCHWINDEN: See Deposition Testimony.

As to RACHEL GAIN: See Deposition Testimony.

As to BENJAMIN GRAF: See Deposition Testimony.

As to FRANK HEIDLBERGER: Some of the content in Dr. Jackson's article in Vol. 12 of the Journal of Schenkerian Studies could be read as "racist" by generalizing the presumed social behavior of Black individuals and families. Otherwise, I am not aware of other actions or behaviors by Dr. Jackson that could be considered "racist." *See also* Deposition Testimony.

As to BERNARDO ILLARI: See faculty statement. Defendants will supplement if additional responsive information becomes available.

As to JUSTIN LAVACEK: Some of Timothy Jackson's response in Vol. 12 of the Journal of Schenkerian Studies have possible racist foundation. For example: "He [Ewell] is uninterested in bringing Blacks up to 'standard' so they can compete"; "African Americans have the right to embrace their own culture as precious—i.e. rap music, hip hop, etc.—and study and teach it in universities so that the products of the 'defective,' 'racist' White culture—i.e., classical music—can be shunted aside"; "Be that as it may, I would like to propose that genuine solutions lie elsewhere, especially by the African American Community establishing different priorities, by addressing the deficiency of background in classical music caused by few opportunities for serious



training, and by the removal of systemic barriers in American society at large”; and “a fundamental reason for the paucity of African American women and men in the field of music theory is that few grow up in homes where classical music is profoundly valued...” Otherwise, I am not aware of other actions or behaviors by Dr. Jackson that could be considered “racist.”

As to PETER MONDELLI: See faculty statement. Defendants will supplement if additional responsive information becomes available.

As to MARGARET NOTLEY: See faculty statement. Defendants will supplement if additional responsive information becomes available.

As to APRIL L. PRINCE: Portions of Timothy Jackson’s written response in Vol. 12 of the Journal of Schenkerian Studies express racist stereotypes and tropes. For example: “[h]e [Ewell] is uninterested in bringing Blacks up to “standard” so they can compete”; and “[a]s I see it, a fundamental reason for the paucity of African American women and men in the field of music theory is that few grow up in homes where classical music is profoundly valued, and therefore they lack the necessary background.” Otherwise, I am not aware of other actions or behaviors by Dr. Jackson that could be considered “racist.”

As to CATHY RAGLAND: Sections of Timothy Jackson’s response in Vol. 12 of the Journal for Schenkerian Studies include racist stereotypes and tropes. Otherwise, I am not aware of other actions or behaviors by Dr. Jackson that could be considered “racist.”

As to GILLIAN ROBERTSON: The manner in which Timothy Jackson constructed his response in Vol. 12 of the Journal of Schenkerian Studies could be considered “racist.” Otherwise, I am not aware of other actions or behaviors by Dr. Jackson that could be considered “racist.”

As to HENDRIK SCHULZE: Timothy Jackson’s response in Vol. 12 of the Journal for Schenkerian Studies expressed racist overtones insofar as his main argument relies on racial tropes and stereotypes. Otherwise, I am not aware of other actions or behaviors by Dr. Jackson that could be considered “racist.”

As to VIVEK VIRANI: Timothy Jackson’s response in Vol. 12 of the Journal for Schenkerian Studies posits that a scholar’s argument regarding an historical figure should be dismissed and the motives for making the argument should be assessed or presumed based on the scholar’s race. Otherwise, I am not aware of other actions or behaviors by Dr. Jackson that could be considered “racist.”

As to BRIAN F. WRIGHT: Dr. Jackson’s published article in Vol. 12 of the Journal for Schenkerian Studies includes multiple racist statements and assumptions. For example, his argument implies that because Dr. Ewell is Black, his critiques should be understood as a form of “Black anti-Semitism.” Dr. Jackson then diagnoses what he sees as some of the “toxic” characteristics of contemporary African American culture, which he writes “[includes] the obnoxious lyrics of some hip-hop songs, etc.” I believe this statement is racist for multiple reasons. In yet another example, Dr. Jackson writes that as “[he] see[s] it, a fundamental reason for the paucity of African American women and men in the field of music theory is that few grow up in

homes where classical music is profoundly valued.” This is an exceptionally broad claim about Black culture, one that Dr. Jackson does not attempt to substantiate.

UNITED STATES DISTRICT COURT  
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TIMOTHY JACKSON,

Plaintiff,

v.

LAURA WRIGHT, MILTON B. LEE,  
MELISA DENIS, MARY DENNY,  
DANIEL FEEHAN, A.K. MAGO,  
CARLOS MUNGUIA, AND G. BRINT  
RYAN, each in their official capacities as  
members of the Board of Regents for the  
University of North Texas System;  
RACHEL GAIN; ELLEN BAKULINA;  
ANDREW CHUNG; DIEGO CUBERO;  
STEVEN FRIEDSON; REBECCA  
DOWD GEOFFROY-SCHWINDEN;  
BENJAMIN GRAF; FRANK  
HEIDLBERGER; BERNARDO ILLARI;  
JUSTIN LAVACEK; PETER  
MONDELLI; MARGARET NOTLEY;  
APRIL L. PRINCE; CATHY RAGLAND;  
GILLIAN ROBERTSON; HENDRIK  
SCHULZE; VIVEK VIRANI; and BRIAN  
F. WRIGHT,

Defendants.

Case No. 4:21-cv-00033-ALM

DATE: April 16, 2024

**PLAINTIFF'S RESPONSE TO DEFENDANTS' FIRST INTERROGATORIES**

In compliance with Fed. R. Civ. P. 33, Plaintiff Timothy Jackson responds to Defendants

First Set of Interrogatories as follows.

**I. INTERROGATORY RESPONSES**

**INTERROGATORY NO. 1:** If you have been a party to any other legal proceeding (including but not limited to any other lawsuit, criminal proceeding, divorce proceeding, or bankruptcy proceeding), then for each such proceeding, identify a court or other tribunal where the proceeding was filed, the cause number, the nature of the claims involved, and how the proceeding was resolved (or if the proceeding is not resolved, its current status).

further objects that this Interrogatory is vague and ambiguous and nearly incomprehensible.

Plaintiff objects that this Interrogatory calls for a legal conclusion as to what constitutes a binding admission, which Plaintiff is not required to proffer in response to an interrogatory. The proper vehicle for requesting admissions of a party is Fed. R. Civ. P. 36, not interrogatory requests.

Without waiving the foregoing objections, Plaintiff hereby incorporates by reference all objections and responses to Interrogatories No. 4-7 and refers Defendants to his responses and objections to Interrogatories No. 4-7.

**INTERROGATORY NO. 14:** Identify each written, audio, or otherwise recorded Statement (whether from you or from any other witness or individual) that contains any material or information relating to the defamation or retaliation you allege in this lawsuit, your criticism of Philip Ewell, the publication of Volume 12 of the Journal of Schenkerian Studies, or any of your claims or alleged damages in this lawsuit.

**Response and Objection No. 14**

OBJECTION: Plaintiff objects to this Interrogatory is vague and ambiguous to the extent it requires him to speculate about what Defendants do or do not consider related to defamation or retaliation, and in addition, the final clause of the Interrogatory is nearly incomprehensible. Plaintiff also objects on the ground that this Interrogatory calls for information protected by the attorney-client privilege, work product doctrine, or other applicable privilege.

Without waiving the foregoing objections, Plaintiff answers as follows:

1. Timothy L. Jackson, "The Schenker Controversy," Quillette Magazine, December 20, 2021 <https://quillette.com/2021/12/20/the-schenker-controversy/>.
2. Volume 12, Journal of Schenkerian Studies, University of North Texas Press, July 25, 2020.
3. Samantha Harris, "At the University of North Texas the Mob Comes Calling for a Music Theorist," National Review, July 31, 2020 <https://www.nationalreview.com/2020/07/at-the->

university-of-north-texas-the-mob-comes-calling-for-a-music-theorist/

<https://www.nas.org/blogs/article/an-initial-victory-for-unt-professor-timothy-jackson>.

4. Michael Powell, "Obscure Musicology Journal Sparks Battles over Race and Free Speech," New York Times, February 14, 2021

<https://www.nytimes.com/2021/02/14/arts/musicology-journal-race-free-speech.html>.

5. Timothy L. Jackson, Interview recorded November 9, 2023

<https://www.youtube.com/watch?v=k4zKDEDzgM4&t=93s>.

6. David, Randall, "An Initial Victory for UNT Professor Timothy Jackson," National Association of Scholars, January 20, 2022. <https://www.nas.org/blogs/article/an-initial-victory-for-unt-professor-timothy-jackson>

7. Ricki Hollander, "White Supremacy and the Jews: the Dispute Over a Music Theorist," CAMERA, May 26, 2022 <https://www.camera.org/article/white-supremacy-and-the-jews-the-dispute-over-a-musical-theorist/> .

8. Timothy L. Jackson, "Will CUNY Continue to Become a Post-Truth Antisemitic University?," Jewish Journal, July 6, 2022 <https://jewishjournal.com/commentary/opinion/349854/will-cuny-continue-to-become-a-post-truth-antisemitic-university/>.

9. Timothy L. Jackson, "And Then the Anti-racists Came for the Jewish Music Theorist Heinrich Schenker - and Me," Times of Israel, June 2, 2022 <https://blogs.timesofisrael.com/and-then-the-anti-racists-came-for-the-jewish-music-theorist-heinrich-schenker-and-me,>

10. Bruno Chaouat, "The Attack on Timothy Jackson is an Assault on Liberal Education," Quillette Magazine, 9 February 2021 <https://quillette.com/2021/02/09/the-attack-on-timothy-jackson-is-an-assault-on-liberal-education/><<https://quillette.com/2021/02/09/the-attack-on-timothy-jackson-is-an-assault-on-liberal-education/>>.

11. Bruno Chaouat, "Color Blind and Tone Deaf," First Things, December 2020  
<https://www.firstthings.com/article/2020/12/colorblind-and-tone-deaf>  
<https://www.firstthings.com/article/2020/12/colorblind-and-tone-deaf> .
12. Andrew Mark Miller, "Texas Professor Sues University After Being Punished for Saying Music Theory isn't Racist," Fox News, February 13, 2022 <https://www.foxnews.com/politics/texas-professor-sues-univ-after-being-punished-saying-music-theory-isnt-racist> Andrew Mark Miller, February 13, 2022.
13. Timothy L. Jackson, "Nazism, Anti-Semitism, and Today's Islamo-fascism at American Universities," Minding the Campus, December 15, 2023  
<https://www.mindingthecampus.org/2023/12/15/nazism-anti-semitism-and-todays-islamo-fascism-at-american-universities/> .
14. Timothy L. Jackson, "A Cancelled Professor Reflects on Academic Nazism," White Rose Magazine, November 17, 2023 <https://whiterosemagazine.com/a-cancelled-professor-reflects-on-academic-nazism/> .
15. George Leef, "When Music Professors Suffer Woke Attacks," National Review, December 15, 2023 <https://www.nationalreview.com/corner/when-music-professors-suffer-woke-attacks/> .
16. Laura Kipnis, "Academe is a Hotbed of Craven Snitches," Chronicle of Higher Education, March 17, 2022 <https://www.chronicle.com/article/academe-is-a-hotbed-of-craven-snitches> .
17. Heather MacDonald, "Classical Music's Suicide Pact," City Journal, Summer 2021  
<https://www.city-journal.org/article/classical-musics-suicide-pact-part-2> , .
18. William Jacobson, "Prof. Timothy Jackson's Free Speech and Defamation Case Can move Forward Court Rules," Legal Insurrection, January 22, 2022

<https://legalinsurrection.com/2022/01/cancel-culture-win-u-north-texas-prof-timothy-jacksons-free-speech-and-defamation-case-can-move-forward-court-rules/> .

19. Terrance Kible, "Appeals Court Rules Texas Board of Regents Members Not Immune from Suit by Professor Whose First Amendment Rights Allegedly Were Violated," Legal Insurrection, September 25, 2023 <https://legalinsurrection.com/2023/09/appeals-court-texas-board-of-regents-members-not-immune-from-suit-by-prof-whose-first-amendment-rights-allegedly-were-violated/> .

20. George Leef, "The Woke Mob in Academia is Coming for Music Too," Legal Insurrection, December 19, 2023 <https://legalinsurrection.com/2023/12/the-woke-mob-in-academia-is-coming-for-music-too/> .

21. Lucinda Breeding, "Court Denies UNT's Motion to Dismiss Lawsuit Against Music Theory Professor Accused of Racism," September 21, 2023 <https://www.keranews.org/news/2023-09-21/court-denies-unts-motion-to-dismiss-lawsuit-against-music-theory-professor-accused-of-racism> .

22. Norman Lebrecht, "A Cancelled Music Professor Speaks Out," Slipped Disc, August 4, 2020 <https://slippedisc.com/2020/08/a-cancelled-music-professor-speaks-out/> .

23. Norman Lebrecht, "Evidence that Clears Heinrich Schenker of Alleged Racism," Slipped Disc, December 13, 2021 <https://slippedisc.com/2021/12/evidence-that-clears-heinrich-schenker-of-alleged-racism/> .

24. Jillian Nachtigal, "Professor Who Sued University Has Preliminary Win in Court," North Texas Daily, [https://www.ntdaily.com/news/professor-who-sued-university-has-preliminary-win-in-court/article\\_063a9e48-fd98-5bf9-ad45-c5471163f2c9.html](https://www.ntdaily.com/news/professor-who-sued-university-has-preliminary-win-in-court/article_063a9e48-fd98-5bf9-ad45-c5471163f2c9.html),

25. John McWhorter, "Is Musicology Racist?," New York Times, May 16, 2023 <https://www.nytimes.com/2023/05/16/opinion/musicology->

racism.html?action=click&module=Well&pgtype=Homepage&section=Opinion&fbclid=IwAR192geTDKrf534-YmTIIQcc-1IUilivYWE3UpIV9JIXPJQVW\_Yo8ygUmLk

26. Barry Wiener, Review of Ewell, "An Egregious Misreading of History," <https://quillette.com/2023/06/07/an-egregious-misreading-of-history/> Quillette Magazine, June 7, 2023.

27. Timothy L. Jackson, "When You Cannot Create New Music: A Warning from History," White Rose Magazine, April 1, 2024 <https://whiterosemagazine.com/when-you-cannot-create-new-music-a-warning-from-history/>

INTERROGATORY NO. 15: Identify each person you contend will substantiate, corroborate, or otherwise support your claims as alleged in your Complaint (ECF No. 1).

#### **Response and Objection No. 15**

OBJECTION: Plaintiff objects to this Interrogatory is vague and ambiguous to the extent it requires Timothy Jackson to speculate as to whom among the Defendants and UNT employees will corroborate or otherwise support his claims prior to full disclosure of discovery in this case.

Plaintiff objects that he will identify all witnesses he intends to call at trial to prove his claims at such time as the Court orders pretrial disclosures, and he is not required to do so prior to such time.

Plaintiff also objects that this Interrogatory calls for conclusions of law which Plaintiff is not required to proffer in response to interrogatories.

Without waiving the foregoing objections, Plaintiff refers Defendants to his initial mandatory disclosures, dated May 3, 2021 and Defendants' undated initial mandatory disclosures.

Plaintiff reserves the right to supplement his response to this Interrogatory.

**INTERROGATORY NO. 16:** Identify each individual from whom you solicited a response or to whom you extended an invitation to respond to Phillip Ewell's plenary address entitled "Music Theory's White Racial Frame," regardless of whether the individual actually responded and regardless of whether the individual's response was published in Volume 12 of the Journal of Schenkerian Studies, including the name, email addresses, and telephone/cell phone numbers of each individual, and the nature of your relationship with each individual.

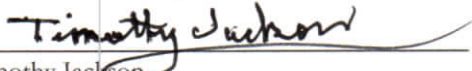


Without waiving the foregoing objection, Plaintiff responds that he will produce his current curriculum vita which lists all of his publications to date, and that his publications have, furthermore, already been submitted to Defendants as part of annual reviews and renewal of contract, and to that extent are already known to Defendants.

Plaintiff further responds that his article "A Preliminary Response to Ewell," Journal of Schenkerian Studies, v. 12, 157-166, continues to be censored and suppressed by Defendants.

**VERIFICATION**

I do solemnly declare and affirm under the penalty of perjury that the foregoing Responses to Interrogatories are true and correct to the best of my knowledge, information, and belief.

  
Timothy Jackson

DATE: April 16, 2024

Respectfully submitted as to objections,

/s/Michael Thad Allen  
Michael Thad Allen, Esq.  
D. Conn. Bar No. CT29813  
admitted *pro hac vice*  
Lead Attorney  
ALLEN LAW, LLC  
PO Box 404  
Quaker Hill, CT 06375  
(860) 772-4738 (phone)  
(860) 469-2783 (fax)  
[m.allen@allen-lawfirm.com](mailto:m.allen@allen-lawfirm.com)

*for PLAINTIFF*

Open Letter on Antiracist Actions Within SMT

**Anyone may sign this document via the Google Forms link at the end of the letter text. In the first 10 days after publishing, this letter received more than 900 signatures. We are still accepting signatures, but since the rate of signing has lowered significantly we'll only update the letter once per week. Thank you for your support!**

At the Plenary Session of the Society for Music Theory's 2019 meeting, Philip Ewell, Yayoi Uno Everett, Ellie Hisama, and Joseph Straus powerfully demonstrated how systemic racism, sexism, and ableism animate musical discourse. They spoke not only with candor and wisdom, but also with exceptional courage. The *Journal of Schenkerian Studies*, in Volume 12, has just published a number of vitriolic responses to a single aspect of one presentation—under the pretense of scholarly debate, no less—and the ensuing scandal has diverted our field's focus from the structural critiques made in the plenary. The journal's violation of academic standards of peer review, its singling out of Prof. Ewell while denying him a chance to respond, and [the language of many of its essays](#) constitute anti-Black racism. These actions provide further evidence of the structural force of white supremacy in our discipline. While this episode is the most recent, and perhaps the most illustrative, the treatment Prof. Ewell received from the *Journal of Schenkerian Studies* is only the latest instance of systemic racism that marginalized Society members have faced for many years.

We applaud the [recent statement](#) of the Executive Board of the Society for Music Theory. To aid the Executive Board in their aim to “determine further actions,” we the undersigned advocate for the following:

1. A public statement from the President, authorized by the Executive Board and in accordance with the Policy on Public Statements, that SMT acknowledges the following three points: (a) that American music theory is historically rooted in white supremacy, the racist idea that whites are superior to nonwhites, (b) that these white supremacist roots have resulted in racist policies that have benefitted whites and whiteness while disadvantaging nonwhites and nonwhiteness, and (c) that these racist policies have resulted in injustices suffered by BIPOC at all stages of their careers. Further, we call upon the President, with the authorization of the Executive Board, to apologize to all BIPOC who have suffered such injustices, without equivocation.
2. A demonstration of support by the Society for the graduate students of the University of North Texas Department of Music History, Theory, and Ethnomusicology in their [call for accountability](#). We recommend that this support take the form of a letter to UNT Press demanding a full and truthful account of recent editorial processes at the *Journal of Schenkerian Studies*. This account should include information pertaining to which

authors submitted works through the call for responses and which were invited to participate individually, a description of the peer review process, details of which members of the editorial board, advisory board, and journal staff viewed submissions before publication, and an explanation of how certain authors were able to separate their roles as academic advisors to the editorial staff from their roles as authors.

3. The establishment of an Ombudsperson position or committee that advocates on behalf of those disadvantaged by imbalances of power in cases of conflict and misconduct related to journal editing, publications, conferences, governance, and teaching, since SMT has a role to play in promoting its policies for all members in all professional situations.
4. A statement that calls upon Society members to resign from the editorial board of the *Journal of Schenkerian Studies*, as the journal's recent comportment is incompatible with the SMT Policy on Ethics.
5. An amendment to the SMT Policy on Harassment, as it pertains to publication, to apply to members' behavior in all their scholarly endeavors, not only in SMT publications, discussion groups, and interest group interactions.
6. A censure of the advisory board of the *Journal of Schenkerian Studies*, pursuant to relevant portions of the SMT Mission Statement, Policy on Ethics, and Policy on Harassment, as the Society's policies have no meaning if violations do not invite censure. In particular, the Policy on Harassment states that "cases of proven offenses" will result in "revocation of membership and honors."
7. That all members of the society, as individuals, confront the ways we ourselves have sustained systems of racism and sexism through our own scholarship and pedagogy. The adoption of the above points is not a substitute for this self-reflection. That self-reflection will be aided by recent studies and works on antiracism, such as those [Harvard has compiled](#) and those in the [Chronicle of Higher Education](#). Members affiliated with an institution of higher learning can likely contact staff members dedicated to antiracist training and pedagogy. [Project Spectrum's keynote address at the 2020 MTSNYS conference](#) also outlines important steps that individual theorists can take toward enacting change in our field.

It is only through acknowledgment and sustained, careful reflection that we can truly begin to address these issues as an academic community. As a starting point, each music theorist must ask themselves: What books and articles do I read? What scholars do I cite in my own research? What music do I analyze in my research and in my classes? What readings do I assign in my classes? What interest groups am I involved with? What committees do I serve on and what is the racial and gender makeup of those committees? What students do I mentor? In short, we all need to ask ourselves: What have I done as an individual to perpetuate existing white supremacist systems of power and inequity in our field? Probing these questions in our work individually is essential to our collective reckoning.

This document was collaboratively authored by eight music theorists who identify as white: Edward Klorman, Stephen Lett, Rachel Lumsden, Mitch Ohriner, Cora S. Palfy, Nathan Pell, Chris Segall, and Daniel Shanahan. As is too often the case, white racial activism relies on uncredited labor by BIPOC. This document has benefitted from criticism, editing, and authorship by Philip Ewell, Anna Gawboy, Jennifer Iverson, Vivian Luong, and Toru Momii. Its failings rest with the initial authors.

We also believe that there is broad support within the music theory community and beyond for the views expressed in this letter. If you would like to show your solidarity, please add your name by filling out the form found at the following link.

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Rosa Abrahams, Ursinus College  
Ruaid Absaroka, University of Salzburg  
Giulia Accornero, Harvard University  
Stefanie Acevedo, University of Dayton  
Byron Adams, University of California, Riverside  
George Adams, University of Chicago  
Byron Adams, UC Riverside  
Kyle Adams, Jacobs School of Music, Indiana University  
Elisa Corona Aguilar, NYU Student  
Aisha Ahmad-Post, Colorado Springs, CO  
Brian Alegant, Oberlin College Conservatory  
Makulamy Alexander-Hills, Columbia University  
Khyam Allami, Doctoral Researcher, Royal Birmingham Conservatoire, Birmingham City University, UK  
Michael Allemana, University of Chicago  
Emily Ruth Allen, Florida State University  
Esme Allen-Creighton, North York Suzuki School of Music  
Penrose Allphin, University of Massachusetts, Amherst  
Andrés R. Amado, University of Texas Rio Grande Valley

Matt Ambrosio, Lawrence University  
Drake Andersen, Vassar College  
Clovis de Andre, Faculdade Cantareira (São Paulo, Brazil)  
Christopher Antila, RILM (Répertoire International de Littérature Musicale)  
Spencer Arias, Michigan State University  
Daniel Arthurs, University of Tulsa  
Sean Atkinson, Texas Christian University  
Robin Attas, Queen's University  
Jacqueline Avila, University of Tennessee  
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Andrew Aziz, San Diego State University  
Michael Baker, University of Kentucky  
Ben Baker, Eastman School of Music  
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Sara Bakker, Utah State University  
Twila Bakker, Edmonton, Alberta  
Ellen Bakulina, University of North Texas  
Ellen Bakulina, University of North Texas  
Lara Sfinaz Balikci, McGill University  
Doug Balliett, The Juilliard School  
Brad Balliett, New York, NY  
Marcos Balter, University of California, San Diego  
Sam Baltimore, Retired  
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Alyssa Barna, University of Minnesota  
Jessica Barnett, SUNY Fredonia  
Matthew Barnson, SUNY Stony Brook  
Daniel Barolsky, Beloit College  
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Samantha Bassler, New York University, Steinhardt Dept of Music and Performing Arts  
Professions  
Eliot Bates, The Graduate Center, CUNY  
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Aleksandra (Sasha) Drozzina, Toronto, ON  
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Sylvia Kahan, College of Staten Island and Graduate Center, CUNY  
Elyse Kahler, University of Texas at Arlington

Noah Kahrs, Eastman School of Music  
Peter Kaminsky, University of Connecticut - Storrs  
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Hanisha Kulothparan, Michigan State University  
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Steven Vande Moortele, University of Toronto  
Rebecca Moranis, University of Toronto  
Kacie Morgan, UCLA  
Alexander Morgan, New York  
Landon Morrison, Harvard University  
Brian Moseley, SUNY Buffalo  
Imani Danielle Mosley, University of Florida  
Tahirih Motazedian, Vassar College  
Andre Mount, Crane School of Music, SUNY Potsdam  
Reinaldo Moya , Augsburg University, Minneapolis, Minnesota  
Dorian Mueller, University of Michigan  
Stephen Muir, University of Leeds, UK  
Scott Murphy, University of Kansas  
Alana Murphy, CUNY Graduate Center/ RILM  
Barbara Murphy, University of Tennessee-Knoxville  
Nancy Murphy, University of Houston  
Estelle Murphy, Maynooth University, Ireland  
Derek J. Myler, Eastman School of Music  
Robert Nance, University of North Texas  
Jessica Narum, Baldwin Wallace University  
Meghan Naxer, Oregon State University  
Jocelyn Neal, University of North Carolina at Chapel Hill  
Severine Neff, University of North Carolina at Chapel Hill, Emeritus  
Dr. Lisa Neher, Portland, OR  
Christoph Neidhöfer, McGill University  
Trevor R. Nelson, Eastman School of Music--University of Rochester  
Anna Rose Nelson, University of Michigan  
Joshua Neumann , University of Florida  
Bryce Newcomer, Xavier University  
Neil Newton, Los Angeles, CA  
Patrick Nickleson, Queen's University  
Demi Nicks, The Graduate Center, CUNY

Maggie Nicks, Florida State University  
Jack Haig Nighan, Indiana University  
Drew Nobile, University of Oregon  
Michael Norris, Victoria University of Wellington  
Felipe Ledesma Núñez, Harvard University  
Shaugn O'Donnell, The City College, CUNY  
William O'Hara, Gettysburg College  
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Chelsea Oden, University of Oregon  
Judith Ofcarcik, Fort Hays State University  
Mitch Ohriner, University of Denver  
Hideaki Onishi, Singapore  
Dani Van Oort, University of North Texas  
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Jeremy Orosz, University of Memphis  
David Orvek, Indiana University  
Mariam Osman, Indiana University  
Anna-Elena Pääkkölä, Åbo Akademi University, Finland  
Kirsten Paige, Stanford University  
Cora S. Palfy, Elon University  
James Palmer, Vancouver, Canada  
Jinny Park, Indiana University  
Hyeonjin Park, UCLA  
Joon Park, University of Arkansas  
Sarah Parkin, London, UK  
Laurel Parsons, University of Alberta  
Daniel Partridge, Portland State University  
Morgan Patrick, Northwestern University  
Andrew Pau, Oberlin College & Conservatory  
William Pearson, DePauw University  
Robert D. Pearson, Emory University  
Jacy Pedersen, University of Cincinnati  
Julie Pedneault-Deslauriers, University of Ottawa  
Crystal Peebles, Ithaca College  
Nathan Pell, Nathan Pell  
Rich Pellegrin, University of Florida  
Anna C. Peloso, Indiana University, Jacobs School of Music  
Naomi Perley, RILM

Jeffrey Perry, Louisiana State University  
Lukas Perry, Eastman School of Music, University of Rochester  
Becky Perry, Lawrence University  
V Spike Peterson, University of Arizona  
Marie-Ève Piché, McGill University  
Marcelle Pierson, University of Pittsburgh  
Miriam Piilonen, Northwestern University  
John R. Pippen, Colorado State University  
Chad Polk, Cleveland Institute of Music  
Cayenna Ponchione-Bailey, University of Oxford  
Mariana Poole, Elon University  
Ève Poudrier, University of British Columbia  
Andrew S. Powell, Independent Scholar (University of Kansas alum)  
Sarah Pozderac-Chenevey, Independent scholar, Akron, OH  
Roxane Prevost, University of Ottawa  
Simon Prosser, The Graduate Center, CUNY  
Jasbir Puar, Rutgers University  
Joel Puckett, Peabody Conservatory, Johns Hopkins University  
Katherine Pukinskis, Amherst College  
Michael Puri, University of Virginia  
Ian Quinn, Yale University  
Steven Rahn, University of Texas at Austin  
Shanika Ranasinghe, Royal Holloway, University of London  
Richard Randall, Carnegie Mellon University  
Jacob Reed, University of Chicago  
S. Alexander Reed, Associate Professor, Ithaca College  
John S. Reef, Nazareth College  
Sam Reenan, Eastman School of Music  
Alan Reese, Cleveland Institute of Music  
Alex Rehding, Harvard University  
Samuel Reich, Denison University/University of Cincinnati  
Molly Reid, Appalachian State University  
Connor Reinman, Indiana University  
Christopher Reynolds, UC Davis  
Anne-Marie Reynolds, Juilliard School  
Adam Ricci, UNC Greensboro  
Mark Richardson, East Carolina University  
Melanie Richter-Montpetit, University of Sussex  
Deborah Rifkin, Ithaca College

Steven Rings, University of Chicago  
Marianna Ritchey, University of Massachusetts, Amherst  
Blake Ritchie, Rutgers University  
S R I Rizvi, Sahibganj College, Sahibganj, Jharkhand, India  
Malia Jade Roberson, California State University, Channel Islands  
Brian Robison, Northeastern University  
Joti Rockwell, Pomona College  
Stephen Rodgers, University of Oregon  
Lynne Rogers, Mannes School of Music at The New School  
Jillian C. Rogers, Indiana University  
Allyson Rogers, McGill University  
J. Griffith Rollefson, University College Cork  
Jena Root, Youngstown State University (Ohio)  
Adam Rosado, Iona College  
Rachel Rosenman, Harvard University  
Joshua Rosner, McGill University  
Martin Ross, Western University  
Jade Roth, McGill University  
Paul N Roth, University of San Diego California  
Katrina Roush, University of Texas Rio Grande Valley  
Charles Roush, University of Texas Rio Grande Valley  
Toby W. Rush, University of Dayton  
Declan Ryan, DePaul University School of Music  
Eron F. S. , Eastman School of Music  
Siavash Sabetrohani, University of Chicago  
Siavash Sabetrohani , University of Chicago  
Alex Sallade, The Ohio State University  
Keith Salley, Shenandoah University  
Mark Sallmen, University of Toronto  
Cristina Saltos , University of Texas at Austin  
Frank Samarotto , Indiana University Bloomington  
Lanier Sammons, California State University, Monterey Bay  
Alexander Sanchez-Behar, Texas A&M University-Kingsville  
Olga Sánchez-Kisielewska, University of Chicago  
Felicia Sandler, New England Conservatory  
Giorgio Sanguinetti, University of Rome "Tor Vergata"  
Matthew Leslie Santana, UC San Diego  
Matthew C. Saunders, Lakeland Community College (Kirtland, Ohio)  
Isaac Schankler, Cal Poly Pomona

Andrew Schartmann, New England Conservatory  
James Schippers, Michigan State University  
Alexandria Schneider, University of Kansas  
Katherine Schofield, King's College London  
Peter Schubert, McGill University  
Matthew D. M. Schullman, University of Oklahoma (Norman)  
Scott Schumann, Central Michigan University  
Emily Schwitzgebel, Northwestern University  
Travis Scott, Xavier University of Louisiana  
Jo Collinson Scott, Reader in Music, University of the West of Scotland  
Derek B. Scott, University of Leeds, UK  
Tyler M. Secor, University of Cincinnati College Conservatory of Music  
Chris Segall, University of Cincinnati  
Kate Sekula, University of Science and Arts of Education  
Ian Sewell, Columbia University  
Douglas Shadle, Vanderbilt University  
Kayla Shaeffer, Florida State University  
Jennifer Shafer, University of Delaware  
Daniel Shanahan, The Ohio State University  
August A. Sheehy, Stony Brook University  
Jack Sheinbaum, University of Denver  
Braxton D. Shelley, Harvard University  
Joel T. Shelton, Elon University  
Lauren Shepherd, Columbia University  
Christopher Sherwood-Gabrielson, University of Michigan  
Julissa Shinsky, University of Texas at Austin  
Rachel Short, Shenandoah Conservatory  
Tessa Shune, Chapman University  
Abigail D. Shupe, Colorado State University  
Max Silva, University of Chicago  
Rebecca Simpson-Litke, University of Manitoba  
Peter Sloan, UC San Diego  
Jeremy W. Smith, University of Louisville  
Stephen Decatur Smith, Stony Brook University  
Kelli Smith-Biwer, University of North Carolina - Chapel Hill  
Sean R. Smither, The Juilliard School  
Peter Smucker, Stetson University  
Jennifer Snodgrass, Appalachian State University  
Alexandra Sobrino, Miami, Florida

Danielle Sofer, LGBTQ+ Music Study Group  
Emma Soldaat, University of Toronto  
Jason Solomon, Agnes Scott College  
Jessica Sommer, Ball State University  
Jonathan De Souza, University of Western Ontario  
Stephen Spencer, The Graduate Center, CUNY  
Mark Spicer, Hunter College and the Graduate Center, CUNY  
Scott Spiegelberg, DePauw University  
Martha Sprigge, University of California, Santa Barbara  
Ron Squibbs, University of Connecticut  
Alexander Stalarow, San Francisco Conservatory of Music  
Jonathan Arthur Stallings, University of California San Diego  
Justin Stanley, University of Oregon  
Deborah Stein, New England Conservatory of Music  
Anna Stephan-Robinson, West Liberty University  
Jonathan Sterne, McGill University  
Daniel Stevens, University of Delaware  
Bryan Stevens, University of North Texas  
Joseph Stiefel, Indiana University  
Philip Stoecker, Hofstra University  
Nicholas Stoia, Duke University  
Jordan Carmalt Stokes, West Chester University of Pennsylvania  
Chris Stover, University of Oslo  
Eva-Maria van Straaten, Georg-August University Göttingen, Germany  
Jeremy Strachan, Queen's University  
Joseph Straus, CUNY Graduate Center  
Ofir Stroh, Blair School of Music  
Cara Stroud, Michigan State University  
Greg Stuart, University of South Carolina  
Jacob David Sudol, Florida International University  
Rina Sugawara, University of Chicago  
James Sullivan, Michigan State University  
Peter M. Susser, Columbia University  
Kaitlyn Swaim, University of North Texas  
Kevin Swinden, Wilfrid Laurier University  
Kelly Symons, Ottawa  
Victor Szabo, Hampden-Sydney College  
Kristin Taavola, University of Denver  
Lina Sofia Tabak, CUNY Graduate Center



Carlos Pérez Tabares, University of Michigan  
Ivan Tan, Brown University  
Daphne Tan, University of Toronto  
Nicholas Ivan Tapia, St. Mary's University (Music Education)  
Jeremy Tatar, McGill University  
Benjamin Tausig, SUNY Stony Brook  
Ryan Taycher, Roosevelt University  
Timothy D. Taylor, UCLA  
Charles Taylor, University of New Orleans  
Blake Taylor, University of Connecticut  
Emma Taylor, The Hartt School at the University of Hartford  
Samuel Teeple, The Graduate Center, CUNY  
Wilfrido Terrazas, University of California, San Diego  
Loretta Terrigno, The Juilliard School  
Bryan Terry, McGill University  
Florian Thalmann, Kyoto University  
Robert Gross, Board Certified Music Therapist, Denton, TX  
Midge Thomas, Connecticut College  
Sean Emmett Thompson, San Francisco State University  
Alexis Millares Thomson, University of Toronto  
Emmi Tinajero, University of North Texas  
Spencer Topel, Brooklyn, New York  
Peter van Tour, Norwegian Academy of Music, Oslo  
Sylvie Tran, University of Michigan  
Emily Lamb Truell, Indiana University  
Caitlan Truelove, Graduate Student, University of Cincinnati  
Dale Trumbore, Los Angeles, CA  
Tobias Tschiedl, McGill University  
Cynthia Johnston Turner, University of Georgia  
Isabel Tweraser, Florida State University  
Kristian Twombly, Chair, St Cloud State University  
Dr. Finn Upham, McGill University, Schulich School of Music  
Elizabeth Randell Upton, UCLA  
Diane Urista, Cleveland Institute of Music  
Stephanie Venturino, Eastman School of Music  
Vivek Virani, University of North Texas  
Samantha Waddell, Michigan State University  
Ben Wadsworth, Kennesaw State University  
Steve Waksman, Smith College

Daniel K.S. Walden, University of Oxford  
Kristen Wallentinsen, Rutgers University  
Zachary Wallmark, University of Oregon  
Levi Walls, University of North Texas  
Robert Walser, Case Western Reserve University  
Jordan Walsh, University of Texas at Austin  
Aleisha Ward, National Library of New Zealand  
Evan Ware, California State Polytechnic University, Pomona  
Lindsay Warrenburg, Boston, MA  
Hannah Waterman, Stony Brook University  
Laura Watson, Maynooth University, Ireland  
Andrew H. Weaver, The Catholic University of America  
Miriam Brack Webber, Bemidji State University  
Katelin Webster, The Ohio State University  
Joelle Welling, University of Calgary  
Robert Wells, University of Mary Washington  
Allison Wente, Elon University  
Marianne Wheeldon, University of Texas at Austin  
Andrew Malilay White, University of Chicago  
Christopher White, University of Massachusetts Amherst  
Jason White, Wilfrid Laurier University  
Juliet White-Smith, The Ohio State University  
Ryan Whittington, Florida State University  
Anya Wilkening, Columbia University  
Ann Marie Willer, (formerly) University of North Texas  
Matthew Williams, University at Buffalo  
Dr. Natalie Williams, (formerly) North Park University  
Justin Williams, University of Bristol (UK)  
Jeff Williams, Harvard University  
Ruthie Williamson, Indiana University Kelley School of Business  
Julianna Willson, Eastman School of Music  
Lauren Wilson, Eastman School of Music  
Imogen Wilson, Columbia University  
Christopher Witulski, Bowling Green State University  
Elizabeth L. Wollman, Baruch College, CUNY  
Kathryn Woodard, Philadelphia, PA  
Chelsea N Wright, University of Oregon  
Robert B. Wrigley, The Graduate Center, CUNY  
Alice Xue, CUNY

Jessica Findley Yang, University of Tennessee - Knoxville  
Rachel Yoder, DigiPen Institute of Technology  
Michelle Yom, CUNY Graduate Center  
Anna Yu Wang, Harvard University  
Jeff Yunek, Kennesaw State University  
Jason Yust, Boston University  
Anna Zayaruznaya, Yale University  
Emily Zazulia, University of California, Berkeley  
Lawrence Zbikowski, University of Chicago Department of Music  
Kamil zeglen, Chapman university  
Spencer Zembrodt, Florence, KY (SUNY Fredonia, 2018)  
Xieyi (Abby) Zhang, Georgia State University  
Rosalind Zhang, Toronto  
Shelley Zhang , University of Pennsylvania  
Zhuo Zhao, Rutgers University  
Julie Zhu, Stanford University

ELLEN BAKULINA, PH.D. 10/16/2024

1

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF  
3 SHERMAN DIVISION  
4  
5 TIMOTHY JACKSON, )  
6 Plaintiff, )  
7 vs. ) CASE NO. 4:21-CV-00033-ALM  
8 LAURA WRIGHT, et al., )  
9 Defendants. )  
10 \*\*\*\*\*  
11 VIDEOTAPED ZOOM ORAL DEPOSITION OF  
12 ELLEN BAKULINA, PH.D.  
13 October 16, 2024  
14 (Reported Remotely).  
15 \*\*\*\*\*  
16 VIDEOTAPED ORAL DEPOSITION OF ELLEN BAKULINA, PH.D.,  
17 produced as a witness at the instance of the Plaintiff  
18 and duly sworn, was taken in the above-styled and  
19 numbered cause on the 16th day of October, 2024,  
20 from 9:03 a.m. to 3:54 p.m., before Kim D. Carrell,  
21 Certified Shorthand Reporter in and for the State of  
22 Texas, reported remotely by computerized stenotype  
23 machine at the physical location of the Witness, Ellen  
24 Bakulina, Ph.D., in Montreal, Canada, pursuant to the  
25 Federal Rules of Civil Procedure and the provisions  
stated on the record or attached hereto.

ELLEN BAKULINA, PH.D. 10/16/2024

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ELLEN BAKULINA, PH.D. 10/16/2024

2

1 APPEARANCES  
2 FOR THE PLAINTIFF:  
3 Michael Thad Allen  
4 ALLEN LAW, LLC  
5 P.O. Box 404  
6 Quaker Hill, CT 06375  
7 Telephone: 860.772.4738  
8 Fax: 860.469.2783  
9 E-mail: M.allen@allen-lawfirm.com  
10  
11 FOR THE DEFENDANTS:  
12 Mary Quimby  
13 Assistant Attorney General  
14 General Litigation Division  
15 P.O. Box 12548, Capital Station  
16 Austin, Texas 78711  
17 Telephone: 512.463.2120  
18 Fax: 512.320.0667  
19 E-mail: Mary.Quimby@oag.texas.gov  
20  
21 - and -  
22 Renaldo Stowers (Appearing Live)  
23 Cari Jacoby  
24 University of North Texas System  
25 Office of General Counsel  
801 North Texas Boulevard  
Denton, Texas 76201  
Telephone: 940.565.2717  
Fax: 940.369.7026  
E-mail: Renaldo.Stowers@untssystem.edu  
cari.jacoby@untssystem.edu  
26  
27 ALSO PRESENT:  
28 Timothy Jackson, Plaintiff  
29 VIDEOGRAPHER:  
30 Mr. Jason Warner  
31 Legal Video Group  
32 lvg.dallas@gmail.com  
33 214-598-5229

ELLEN BAKULINA, PH.D. 10/16/2024  
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1 committees where Tim Jackson and I were on together.

2 Q. Um-hum.

3 A. But in terms of service on committees, I don't  
4 recall anything problematic. It was okay.

5 Q. Thank you. Do you have any knowledge of  
6 Timothy Jackson committing extortion at the University  
7 of North Texas?

8 MS. QUIMBY: Objection, form.

9 A. I don't know the word "extortion." May I  
10 be allowed to look it up in a dictionary? What is  
11 extortion? I can look it up --

12 Q. Well, do you know the -- do you know the  
13 English word "blackmail"?

14 A. Could you -- I think, but I'm not 100 percent.

15 Q. It's a similar --

16 A. Could you try to explain? Is it an anonymous  
17 thing?

18 Q. Well, it's a legal term, but it's also  
19 generally colloquial term. So usually what I do in this  
20 situation is ask you if you have an understanding of it,  
21 and you are telling me you don't know what the word  
22 "extortion" means, right?

23 A. Correct, I don't.

24 Q. Okay. Do you have any knowledge of Timothy  
25 Jackson mistreating graduate students in any way?

1 MS. QUIMBY: Objection, form.

2 A. I have to think. Possibly, yes. Yiyi Gao.

3 Q. Please state for the record how you think  
4 Timothy Jackson mistreated Yiyi Gao.

5 A. I don't know how he mistreated or whether he  
6 did. But I know that she was his student for some time.  
7 And in 2000, I think, 18, she switched advisors.  
8 Actually, she switched to me. I know she didn't want  
9 to stay with Jackson, Dr. Jackson, as her advisor  
10 anymore. I don't know what happened.

11 Q. Okay. And was she a doctoral student?

12 A. Yes.

13 Q. Did she complete her dissertation with you?

14 A. Yes.

15 Q. And to the extent that you knew about her  
16 relationship with Timothy Jackson, you heard that from  
17 her?

18 MS. QUIMBY: Objection, form.

19 A. Actually, I haven't heard anything from her.  
20 She didn't tell me. I just know the fact that she left  
21 Timothy Jackson as her advisor, and that's highly unusual  
22 to leave an advisor. More often than not, a graduate  
23 student stays with the same advisor. So just the fact  
24 alone that she had left him as an advisor stands out.  
25 It's very unusual.

1 Q. At the time that she switched from Timothy  
2 Jackson to you as her advisor, did you have any suspicion  
3 that Timothy Jackson had engaged in any criminal activity  
4 that led her to switch?

5 MS. QUIMBY: Objection, form.

6 A. Definitely not. I was not.

7 Q. Okay. Can you identify any specific actions  
8 that Timothy Jackson committed that you identify as  
9 racist?

10 MS. QUIMBY: Objection, form.

11 A. I have to think. Could you repeat the  
12 question?

13 Q. Sure. Can you -- or please identify for the  
14 record any specific actions that you claim were racist  
15 that were committed by Timothy Jackson.

16 A. Is a journal article -- does a journal article  
17 count as an action?

18 Q. Well, it would be what you understand it to be.  
19 If you want to say that publishing a journal article was  
20 something that he did that was racist, you can say that  
21 for the record.

22 MS. QUIMBY: Objection, form.

23 A. Yes. Some of the things that Timothy Jackson  
24 published in his 2020 Journal of Schenkerian Studies  
25 article, I believe are racist. That is my own opinion.

1 That's not something that I shared with, you know,  
2 anyone. It's my personal opinion.

3 Q. I understand that. And we'll talk about that  
4 in a second.

5 A. Um-hum.

6 Q. In addition to publishing an article in the  
7 2020 volume of the Journal of Schenkerian Studies, are  
8 there any other actions that Timothy Jackson engaged in  
9 that you would identify as racist actions?

10 A. No.

11 Q. Are there any behaviors that Timothy Jackson  
12 has engaged in that, to your knowledge, are racist?

13 A. No.

14 MS. QUIMBY: Objection, form.

15 Q. Have you ever been told by any individual  
16 that Timothy Jackson engaged in specific actions that  
17 were racist?

18 MS. QUIMBY: Objection, form.

19 A. I think the best answer would be I don't  
20 remember.

21 Q. Okay. Do you not remember because it didn't  
22 happen, or do you not remember because it may have  
23 happened and you just can't recall the specifics of it?

24 A. Yes, it's the latter. There has been a lot  
25 of discussion of what happened in SMT and writings and

1 behavior of many people, including Philip Ewell,  
2 including many, many people, including Timothy Jackson.  
3 And I cannot remember everything that was said.  
4 Q. Okay. But as you sit here today, you can't  
5 give specific testimony about behaviors that someone  
6 told you about that were racist regarding Timothy  
7 Jackson?

8 A. No. I cannot, no.  
9 MS. QUIMBY: Objection, form.

10 Q. Thank you. Let's go back to what you said  
11 about the 2020 article in the Journal of Schenkerian  
12 Studies. Are you referring to the article he published  
13 in the Symposium of Volume 12?

14 A. Yes.

15 Q. What -- and I understand you're stating that  
16 it's your opinion. So what, in your opinion, was racist  
17 that Timothy Jackson published in his 2020 article?

18 A. So I'm going to go by my memory, which means  
19 that it may not be exact wording.

20 Q. That's fine.

21 A. But the statement about the paucity of the  
22 Black women and men being due to the fact that these  
23 people grow up in homes that don't have enough -- that  
24 don't value classical music enough. So that's an  
25 approximate quote from Timothy Jackson's article.

1 Q. Um-hum.

2 A. And in my personal opinion, that is racist,  
3 because the implication of this statement, of this  
4 sentence, is that music theory is inherently based on  
5 classical music, on the culture of classical music, of  
6 the principles and history of classical music. And  
7 Dr. Jackson doesn't actually say which classical music.

8 Because, in fact, Europe is not the only  
9 place on earth that has classical music. There are many  
10 different cultures that have music that they would call  
11 classical. For example, there is such a thing as Indian  
12 classical music. But I'm going to infer from context  
13 that Dr. Jackson refers to European classical music.

14 Q. Um-hum.

15 A. And so this statement by him, that music theory  
16 depends on the practice of music theory depends  
17 on how much classical music or how much exposure to  
18 classical music its practitioners have had in their  
19 childhood ties the discipline of music theory to music  
20 by -- primarily by white people. I understand that  
21 European classical music includes some nonwhite persons,  
22 composers before and so on, but it is primarily culture  
23 of white European people.

24 And that, I think, is a racist idea, because  
25 music theory as a field, in my opinion, is and should

1 be a theory of all music, not only classical, not only  
2 European, not only white people, not only nonwhite  
3 people. Music theory, as a discipline, should be based  
4 or related to any music from this planet. So the  
5 practice of music theory and the disciplinary basis of  
6 music theory should not be understood in relation to  
7 European classical music alone.

8 Q. So I'm sorry. Were you done?

9 A. To understand it that way, in my view, is  
10 racist.

11 Q. Um-hum. And have you published on that  
12 subject?

13 A. No.

14 Q. It sounds like you have just made an argument  
15 that music theory should address all music, correct?

16 MS. QUIMBY: Objection, form.

17 A. I didn't say that. Music theory, as a  
18 discipline, should be open to addressing music from  
19 anywhere on the planet.

20 Q. So wouldn't that mean that a Black scholar who  
21 wanted to enter the field of music theory should address  
22 the field of Western classical music?

23 MS. QUIMBY: Objection, form.

24 A. Could you repeat? I think I'm confused by  
25 the formulation wouldn't, because if it's like yes or

1 no, I'm confused about the positive versus negative.

2 Q. Well, let's -- let's take Philip Ewell as  
3 an example.

4 A. Sure.

5 Q. He was a colleague of yours, right?

6 A. In terms of music theory as a field, yes.

7 Q. And you know him personally, correct?

8 A. Oh, yes, I know him quite closely.

9 Q. And you know him to have engaged with the field  
10 of Western classical music as well, right?

11 A. Yes, if you include Russian in the category  
12 of Western, which, in my opinion, is somewhat ambiguous.

13 Q. Should a Black musical scholar such as Philip  
14 Ewell, to be a practicing academic, be in a position to  
15 address Western classical music?

16 MS. QUIMBY: Objection, form.

17 A. I'm in no position to dictate whether someone  
18 should address something. So if I say that a Black  
19 person should address something or should not address  
20 something would be extremely arrogant because I think a  
21 Black scholar, just like any scholar, should address  
22 whatever they feel like addressing. They should not be  
23 limited.

24 Q. Do you recall Timothy Jackson making an  
25 argument that on average, Black families did or did not

1 expose their children to classical music?

2 **A.** I -- he wrote it in the article, yes.

3 **Q.** Do you know of any statistical or empirical

4 evidence that Black families as a whole in the United

5 States exposed their children to classical music?

6 **MS. QUIMBY:** Objection, form.

7 **A.** I'm not familiar with any statistical studies,

8 but also I'm not a statistical scholar, no.

9 **Q.** You have no basis to state that what he wrote

10 is not true then?

11 **MS. QUIMBY:** Objection, form.

12 **A.** I have no basis. But my argument is not about

13 statistical truth. My argument is about the relationship

14 that he has created between the discipline of music

15 theory and exposure to classical European music. My

16 argument is not about statistics. My argument is about

17 the relationship.

18 **Q.** In addition to -- I think you said in

19 identifying what you found racist in the 2020 article was

20 that the paucity of Black scholars in music theory was

21 due to the -- I suppose however you want to characterize

22 it, the lack of Black scholars' engagement or Black

23 citizens' perhaps engagement with Western classical

24 music. I'm not trying to put words in your mouth. But

25 that's one of the racist things you found in the article,

1 right?

2 **MS. QUIMBY:** Objection, form.

3 **A.** Yes. And what I'm finding racist is the

4 relationship that Timothy Jackson creates between

5 practicing music theory as a discipline and classical

6 European music specifically. That's what I find

7 problematic.

8 **Q.** In addition to that claim, what other

9 statements by Timothy Jackson in his 2020 article did

10 you find, quote, racist?

11 **A.** There are two more, and I want to qualify.

12 One is actually not by Timothy Jackson himself. It's

13 actually by Schenker, and Dr. Jackson quotes Schenker at

14 some point in the 2020 article. And the quote is, and

15 again, I'm paraphrasing, that Schenker is saying that any

16 person who practices the rules -- not rules. Any person

17 who practices the laws of classical music or something

18 like that can be a great musician, something to that

19 effect. And that's actually an example of a colorblind

20 racism, which is when someone says I don't care which

21 race this or that person is. I just care what they do.

22 That's colorblind racism. But that's actually a code

23 from Schenker. It's not what Jackson himself wrote.

24 However, I do think that Dr. Jackson quoted that as sort

25 of a way to try to absolve Schenker. That, you know,

1 Schenker, towards the end of his life, thought that

2 everyone was equal, so he became less racist. I don't

3 know if it's true. Maybe it's true that Schenker

4 became less racist towards the end of his life. That's

5 possible. But I'm not actually making that claim. But

6 I don't think that this specific quote, that anyone who

7 practices the laws of, you know, of tonal music can

8 become a great musician. I don't think that this

9 removes racism. I think that this actually exemplifies

10 colorblind racism.

11 **Q.** Do you understand Timothy Jackson to be arguing

12 that Black Americans cannot master classical music?

13 **MS. QUIMBY:** Objection, form.

14 **A.** No, that's not what he ever saw or what he ever

15 said.

16 **Q.** And by this colorblind racism idea, do you mean

17 that, for instance, judging musicians on the basis of

18 their merit alone, whether they're Black, white, BIPOC,

19 whatever, from whatever country, from whatever historical

20 national background, that's racist?

21 **MS. QUIMBY:** Objection, form.

22 **A.** I'm not saying it. But it has been argued.

23 And yes, I -- for the moment, I think I would adopt that,

24 yes. I think the concept of colorblind racism, I got

25 that from the work of Ibram Kendi, one of the theorists

1 of critical race theory.

2 **Q.** Um-hum.

3 **A.** And that is the idea of colorblind racism; that

4 judging someone solely on the basis of merit without

5 considering their race is colorblind racism.

6 **Q.** And do you believe Timothy Jackson was

7 expressing this, quote, colorblind racism in his 2020

8 article in the Journal of Schenkerian Studies?

9 **A.** He endorsed --

10 **MS. QUIMBY:** Objection, form.

11 **THE WITNESS:** I'm so sorry. I constantly

12 speak too fast.

13 **MS. QUIMBY:** That's okay.

14 **A.** Jackson quotes Schenker who exhibits colorblind

15 racism. And in my understanding, Jackson -- the purpose

16 of this quote was to show that Schenker became less

17 racist towards the end of his life.

18 **Q.** And that's also something, in your opinion,

19 is racist in the 2020 article, right?

20 **MS. QUIMBY:** Objection, form.

21 **A.** It would depend on how to define racism, in

22 my opinion.

23 **Q.** Well, that's what I'm trying to get at.

24 We're trying to identify in Timothy Jackson's 2020

25 article what, in your opinion, is racist, which is



1 something you've already testified to; that you found  
2 the article to have committed thoughts or utterances  
3 that you found racist. And I'm trying to identify  
4 specifically what you mean.

5 So far, you've identified what you call the  
6 paucity of Black scholars in the academic discipline of  
7 music. You've also identified this quote from Schenker  
8 that seems to be used by Professor Jackson to endorse  
9 colorblind racism in your view.

10 Did I get that right so far?

11 A. Yes, that's correct. Yes, yes, yes.

12 Q. You also mentioned that there were three and  
13 we've gone through two. So I was going to ask if you can  
14 identify the third concept or utterance that you found  
15 racist in Timothy Jackson's 2020 article.

16 A. The third one, I won't say -- I will not say  
17 that it is racist, but I find it highly problematic.  
18 It's the passage where Timothy Jackson discusses the  
19 Black on Jew antisemitism. And I know that this problem  
20 exists, but the problem in Jackson's article is that he  
21 places Ewell's -- Philip Ewell's ideas in the context of  
22 antisemitism. And I think I should not say that, in  
23 itself, is racist. But the objective here seems to be  
24 to show that Philip Ewell is antisemitic. And that, in  
25 itself, is not racism. But it is an attack on Philip

1 Ewell. And in my opinion, that's a problem. So I guess  
2 I should not say that, in itself, it's racist, but I find  
3 it to be problematic.

4 Q. Was it problematic when Philip Ewell attacked  
5 Timothy Jackson as racist?

6 MS. QUIMBY: Objection, form.

7 A. I don't remember that Philip Ewell ever did  
8 that.

9 Q. Was it racist for others to attack Timothy  
10 Jackson as racist?

11 MS. QUIMBY: Objection, form.

12 A. I cannot speculate like that. I'd have to see  
13 specific context, a specific piece of writing. I cannot  
14 hypothesize like this.

15 Q. Were you aware that the SMT graduate students  
16 who signed the statement calling for the cancellation of  
17 the Journal and that a discipline of Timothy Jackson  
18 accused him of being racist?

19 MS. QUIMBY: Objection, form.

20 A. If I might look at the letter again right now,  
21 then I might be able to answer more precisely.

22 Q. Okay. We'll get to that later. But just the  
23 three things that you've identified as -- I guess you  
24 said racist, but also problematic in the 2020 article  
25 is that he discussed Black American antisemitism towards

1 Jews. Did I get that right?

2 A. Yes.

3 Q. He discussed a quote from Schenker that you  
4 felt problematically endorsed colorblind racism?

5 A. Yes.

6 Q. And also, he identified the paucity of the  
7 Black scholars in music as due to a failure of the Black  
8 community to value classical music.

9 A. Yes.

10 Q. About the third element, identifying  
11 antisemitism in the Black community --

12 A. Um-hum.

13 Q. -- are you aware of any articles published, any  
14 scholarship indicating that his statements about  
15 antisemitism in the Black community are empirically  
16 false?

17 MS. QUIMBY: Objection, form.

18 A. I'm not stating that it is empirically false.

19 In fact, Dr. Jackson cites articles about this topic,  
20 about Black antisemitism. So there are publications.

21 I haven't read them, but I remember that they exist.

22 He cites them. So it's not empirically false. The

23 problem that I see is not empirical. The problem that I

24 see is that he connects a specific scholar who is arguing

25 for changes in music theory to deal with antisemitism.

1 That is the problem. It's not empirical.

2 Q. Is that -- the problems that you identified in  
3 the 2020 article by Timothy Jackson, do those justify  
4 stopping the publication of the Journal of Schenkerian  
5 Studies?

6 MS. QUIMBY: Objection, form.

7 A. Do they justify stopping the publication of the  
8 Journal? I'm not sure. It's a very big question.

9 The stopping of the publication of the Journal of  
10 Schenkerian Studies was related to many problems.

11 They're very complicated. I cannot relate of the

12 stopping of that publication to a single problem.

13 Q. Well, why don't you name the problems with  
14 the publishing of the Journal that you think led to this  
15 stopping of its publication?

16 A. Okay. In my opinion, so this is not in -- this  
17 is not someone else's opinion, right? This is not  
18 something that I share with others. It's my own opinion.

19 In my honest opinion, what led to the stopping  
20 of Journal of Schenkerian Studies publication -- by the

21 way, I don't know if it has -- if it has been stopped

22 forever. I don't know what's going on right now.

23 But what led to the interruption of its

24 publication in the year 2020 was the fact that many

25 authors, not all, but many authors in the 2020 Symposium



225

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1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 I, ELLEN BAKULINA, have read the foregoing  
4 deposition and hereby affix my signature that same  
5 is true and correct, except as noted above.  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 ELLEN BAKULINA  
9 \_\_\_\_\_  
10 THE STATE OF \_\_\_\_\_)  
11 COUNTY OF \_\_\_\_\_)  
12 \_\_\_\_\_  
13 Before me, \_\_\_\_\_, on this  
14 day personally appeared ELLEN BAKULINA, known to me or  
15 proved to me on the oath of \_\_\_\_\_ or  
16 through \_\_\_\_\_ (description of  
17 identity card or other document) to be the person whose  
18 name is subscribed to the foregoing instrument and  
19 acknowledged to me that he/she executed the same for  
20 the purpose and consideration therein expressed.  
21 Given under my hand and seal of office on this  
22 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
23 \_\_\_\_\_  
24 NOTARY PUBLIC IN AND FOR  
25 THE STATE OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

1 amount of time used by each party at the time of the  
2 deposition;  
3 Michael Thad Allen - 05 HRS: 49 MIN  
Mary Quimby - 00 HRS: 00 MIN  
4  
5 FOR THE PLAINTIFF:  
6 Michael Thad Allen  
ALLEN LAW, LLC  
7 P.O. Box 404  
Quaker Hill, CT 06375  
8 Telephone: 860.772.4738  
Fax: 860.469.2783  
9 E-mail: M.allen@allen-lawfirm.com

10  
11 FOR THE DEFENDANTS:  
12 Mary Quimby  
Assistant Attorney General  
13 General Litigation Division  
P.O. Box 12548, Capital Station  
14 Austin, Texas 78711  
Telephone: 512.463.2120  
15 Fax: 512.320.0667  
E-mail: Mary.Quimby@oag.texas.gov

16 - and -  
17 Renaldo Stowers (Appearing Live)  
18 Cari Jacoby  
University of North Texas System  
Office of General Counsel  
20 801 North Texas Boulevard  
Denton, Texas 76201  
21 Telephone: 940.565.2717  
Fax: 940.369.7026  
22 E-mail: Renaldo.Stowers@untsystem.edu  
cari.jacoby@untsystem.edu

23 I further certify that I am neither counsel for,  
24 related to, nor employed by any of the parties or  
25

ELLEN BAKULINA, PH.D. 10/16/2024

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ELLEN BAKULINA, PH.D. 10/16/2024

228

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, )  
5 )  
6 Plaintiff, )  
7 )  
8 vs. ) CASE NO. 4:21-CV-00033-ALM  
9 )  
10 LAURA WRIGHT, et al., )  
11 )  
12 Defendants. )

13 REPORTER'S CERTIFICATION OF  
14 ORAL DEPOSITION OF ELLEN BAKULINA, PH.D.  
15 October 16, 2024  
16 \_\_\_\_\_  
17

18 I, KIM D. CARRELL, a Certified Shorthand Reporter  
19 in and for the State of Texas, hereby certify to the  
20 following:

21 That the witness, ELLEN BAKULINA, was duly sworn  
22 and that the transcript of the oral deposition is a  
23 true record of the testimony given by the witness;

24 That the deposition transcript was duly submitted  
25 on November, 12, 2024, to Mary Quimby, attorney for the  
witness, for examination, signature, and return to me by  
December 16, 2024;

That pursuant to the information given to the  
deposition officer at the time said testimony was taken,  
the following includes all partes of record and the

1 attorneys in the action in which this proceeding was  
2 taken, and further that I am not financially or  
3 otherwise interested in the outcome of the action.  
4 Certified to by me on this 12th day of November,  
5 2024.  
6  
7  
8  
9  
10  
11

12 Kim D. Carrell, CSR NO. 1184  
Date of Expiration: 7-31-26  
13 JULIA WHALEY & ASSOCIATES, INC.  
2012 Vista Crest Drive  
Carrollton, Texas 75007-1640  
14 214-668-5578/Fax 972-236-6666  
JulieTXCSR@gmail.com  
15 Firm registration No. 436  
Firm registration Expires 5-31-25



<p style="text-align: center;">17</p> <p>1 journal reviewers knew my name. It's often -- in a small</p> <p>2 field, it's pretty easy to infer who an author is.</p> <p>3 Q. Sure. So let me just summarize, if possible.</p> <p>4 A double blind peer-review process means that both the</p> <p>5 author of an article and the outside reviewers of the</p> <p>6 author -- of the article remain anonymous to each other,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. And to the best of your knowledge, these</p> <p>10 peer-reviewed articles were double blind peer reviewed?</p> <p>11 A. To the best of my knowledge. My expectation is</p> <p>12 that they were all double blind peer reviewed.</p> <p>13 Q. Have you ever published articles that are not</p> <p>14 peer reviewed?</p> <p>15 A. Articles, no.</p> <p>16 Q. Textbook chap- -- go ahead. I'm sorry.</p> <p>17 A. On articles, no. I've done some journalistic</p> <p>18 writing, but that's, I think, a different matter.</p> <p>19 Q. In this book chapter you've listed in your CV,</p> <p>20 "Consonance and Dissonance," do you see where that is on</p> <p>21 the -- it looks like second page of Exhibit 2?</p> <p>22 A. Correct.</p> <p>23 Q. Was that peer reviewed?</p> <p>24 A. That was editor reviewed.</p> <p>25 Q. And could you describe that process in brief</p>	<p style="text-align: center;">19</p> <p>1 affiliation with Wesleyan University?</p> <p>2 A. Nope.</p> <p>3 Q. When did your association with Wesleyan end?</p> <p>4 MS. QUIMBY: Objection; form.</p> <p>5 A. My association with Wesleyan University ended</p> <p>6 when my visiting appointment was over in May -- let's see</p> <p>7 -- 2019.</p> <p>8 Q. (BY MR. ALLEN) Okay. Sorry if I pause between</p> <p>9 exhibits. It's because I'm keeping track of them and</p> <p>10 keeping track of their files names so I can circulate</p> <p>11 them eventually to the reporter.</p> <p>12 Are you familiar with a music theory journal</p> <p>13 called <i>Spectrum</i>?</p> <p>14 A. You are referring to <i>Music Theory Spectrum</i>.</p> <p>15 Yes.</p> <p>16 Q. Can you describe what <i>Music Theory Spectrum</i> is</p> <p>17 for the record, please?</p> <p>18 A. For the record, <i>Music Theory Spectrum</i> is, I</p> <p>19 believe, one of the official publications of the Society</p> <p>20 for Music Theory.</p> <p>21 Q. What's the Society for Music Theory?</p> <p>22 A. The Society for Music Theory is a professional</p> <p>23 society of music theorists.</p> <p>24 Q. Do you belong to the Society for Music Theory?</p> <p>25 A. I am -- I am currently a member of the SMT.</p>
<p style="text-align: center;">18</p> <p>1 for the record?</p> <p>2 A. Editor review is -- is a standard that is often</p> <p>3 used for edited collections that are published as books</p> <p>4 where book chapters are solicited from authors by a team</p> <p>5 of editors, and the pieces are reviewed by the editors.</p> <p>6 Q. And I believe you said you had -- how did you</p> <p>7 describe your non-peer reviewed publication efforts?</p> <p>8 Something like journalistic or popular or something of</p> <p>9 that nature?</p> <p>10 A. Yeah. Journalistic writing.</p> <p>11 Q. Where are those in your CV, if they are?</p> <p>12 A. They should be in other writings.</p> <p>13 Q. Is that this portion on the bottom of Page 2?</p> <p>14 A. Yes. The -- yeah. The bottom two items, in</p> <p>15 <i>The Wire</i> and <i>icareifyoulisten.com</i>. Yeah. Those are --</p> <p>16 those are -- those are journalistic writings.</p> <p>17 Q. And then what is the History of Music Theory</p> <p>18 blog? You've listed a publication under other writings,</p> <p>19 "Colonial Organology and Ornithology in Richard Ligon's</p> <p>20 Acoustics of Anthropological Difference." Did I read</p> <p>21 that right?</p> <p>22 A. Correct. Yes. That is a blog post that</p> <p>23 solicits short pieces, short reflections having to do</p> <p>24 with the history of music theory.</p> <p>25 Q. Okay. Do you retain any kind of institutional</p>	<p style="text-align: center;">20</p> <p>1 That is the Society for Music Theory.</p> <p>2 Q. And I believe you just used its acronym SMT,</p> <p>3 right?</p> <p>4 A. Uh-huh.</p> <p>5 Q. So if we say "SMT" we'll both understand we're</p> <p>6 refer to Society for Musical Theory, right?</p> <p>7 A. Correct. Music --</p> <p>8 Q. Thank you. Society for Music Theory just for</p> <p>9 the record. Thank you.</p> <p>10 A. Correct.</p> <p>11 Q. How important is the Society for Music Theory</p> <p>12 in your field?</p> <p>13 MS. QUIMBY: Objection; form.</p> <p>14 Go ahead.</p> <p>15 A. It is -- it is the primary U.S.-based</p> <p>16 professional association and conference organizing body</p> <p>17 in the field.</p> <p>18 Q. (BY MR. ALLEN) And you consider yourself a</p> <p>19 music theorist, right?</p> <p>20 A. At times. I certainly --</p> <p>21 Q. How about --</p> <p>22 A. -- teach in the music theory departments.</p> <p>23 Q. Okay. Do you teach classes in music theory?</p> <p>24 A. I teach classes in music theory.</p> <p>25 Q. Did your -- do your publications -- your</p>

<p style="text-align: right;">121</p> <p>1 A. What do you mean by an assertion of fact?</p> <p>2 Q. Well, this is the language that you signed on</p> <p>3 to. "The fact that he was not afforded the opportunity</p> <p>4 to respond in print is unacceptable," correct?</p> <p>5 A. Yes. That -- that was our surmise to the best</p> <p>6 of our knowledge, that he was not contacted to respond to</p> <p>7 the -- the pieces that were published in Volume 12.</p> <p>8 Q. Were you aware that Benjamin Graf contacted</p> <p>9 Philip Ewell to invite him to respond?</p> <p>10 MS. QUIMBY: Objection; form.</p> <p>11 A. I was not.</p> <p>12 Q. (BY MR. ALLEN) Benjamin Graf signed this</p> <p>13 letter as well, right?</p> <p>14 A. Yes. I see his name there.</p> <p>15 Q. You don't recall anyone pointing out that</p> <p>16 Philip Ewell also received the SMT invitation to</p> <p>17 contribute to Volume 12?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. I don't believe that that counts as an</p> <p>20 invitation to respond to the -- the -- the pieces that</p> <p>21 were solicited for the journal. That's a somewhat</p> <p>22 different matter of being invited to contribute to the --</p> <p>23 the pieces that were initially collected.</p> <p>24 Q. (BY MR. ALLEN) So only a personal invitation</p> <p>25 would have, quote, afforded the opportunity to respond in</p>	<p style="text-align: right;">123</p> <p>1 say -- you endorse the call for action outlined in the</p> <p>2 students letter, right?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Right here?</p> <p>5 A. Uh-huh.</p> <p>6 Q. So let's talk about the students letter.</p> <p>7 A. Okay.</p> <p>8 Q. Which was incorporated by reference through</p> <p>9 that URL link, right, into the --</p> <p>10 A. Right.</p> <p>11 MS. QUIMBY: Objection; form.</p> <p>12 Q. (BY MR. ALLEN) -- the faculty letter?</p> <p>13 MS. QUIMBY: Objection; form.</p> <p>14 A. Correct.</p> <p>15 Q. (BY MR. ALLEN) Thank you. So let's see. Here</p> <p>16 you endorse this, that it was platforming racist</p> <p>17 sentiments, the <i>Journal of Schenkerian Studies</i>?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. What's the question, please? Sorry.</p> <p>20 Q. (BY MR. ALLEN) You endorse this part of the</p> <p>21 letter that the <i>Journal of Schenkerian Studies</i> was</p> <p>22 platforming, quote, racist sentiments?</p> <p>23 MS. QUIMBY: Objection; form.</p> <p>24 A. I certainly endorse that the students were</p> <p>25 appalled, that they perceived such to be the case. I</p>
<p style="text-align: right;">122</p> <p>1 print according to your testimony?</p> <p>2 MS. QUIMBY: Objection; form.</p> <p>3 A. Well, that is -- that is the implicit and</p> <p>4 specific meaning of that remark in the -- in the letter.</p> <p>5 Q. (BY MR. ALLEN) That's the implicit meaning is</p> <p>6 what you're saying?</p> <p>7 A. That is what I'm saying.</p> <p>8 Q. It doesn't say that though, does it?</p> <p>9 A. Debatable.</p> <p>10 Q. It actually says, "He was not afforded the</p> <p>11 opportunity to respond in print," right?</p> <p>12 A. That is -- that is the denotation of that</p> <p>13 sentence, yeah.</p> <p>14 Q. Was there anything that prevented you from</p> <p>15 qualifying that in -- along the lines of: He wasn't</p> <p>16 provided a personal engraved invitation or something of</p> <p>17 that nature?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. An engraved invitation? What does that mean?</p> <p>20 Q. (BY MR. ALLEN) There's no qualifying language</p> <p>21 to this factual statement indicating that there is some</p> <p>22 sort of hidden, implicit meaning, is there?</p> <p>23 MS. QUIMBY: Objection; form.</p> <p>24 A. There's no qualifying remark, no.</p> <p>25 Q. (BY MR. ALLEN) All right. Then you also</p>	<p style="text-align: right;">124</p> <p>1 think that to many people's reasonable judgments</p> <p>2 racially -- racially incentives -- racially incentive --</p> <p>3 racially insensitive sentiments appeared in the journal.</p> <p>4 That was also my understanding. That was also my</p> <p>5 opinion, yes.</p> <p>6 Q. (BY MR. ALLEN) You also endorsed this</p> <p>7 statement, "The students have absolutely no say in the</p> <p>8 content of the JSS."</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 Q. (BY MR. ALLEN) Right here. That's a factual</p> <p>11 statement, right, Professor Chung?</p> <p>12 MS. QUIMBY: Objection; form.</p> <p>13 A. What's a factual statement, the statement that</p> <p>14 students have --</p> <p>15 Q. (BY MR. ALLEN) "Students have absolutely no</p> <p>16 say in the content of the JSS," right?</p> <p>17 MS. QUIMBY: Objection; form.</p> <p>18 A. I believe that students -- yeah. I believe</p> <p>19 that students generally believe they don't have ultimate</p> <p>20 final say over what goes into the journal.</p> <p>21 Q. (BY MR. ALLEN) You've never discussed that</p> <p>22 with Mr. Walls, right?</p> <p>23 A. I -- I know so little about Schenkerian studies</p> <p>24 and the <i>Journal of Schenkerian Studies</i> that this hasn't</p> <p>25 come up in our discussions.</p>

ANDREW JAY CHUNG - 10/15/2024

<p>1 _____</p> <p>2 _____</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 I, ANDREW JAY CHUNG, have read the foregoing</p> <p>7 deposition and hereby affix my signature that same is</p> <p>8 true and correct, except as noted above.</p> <p>9 _____</p> <p>10 ANDREW JAY CHUNG</p> <p>11 _____</p> <p>12 STATE OF _____)</p> <p>13 COUNTY OF _____)</p> <p>14 Before me, _____, on this day</p> <p>15 personally appeared ANDREW JAY CHUNG, known to me (or</p> <p>16 proved to me under oath or through _____) (description of identity</p> <p>17 card or other document)) to be the person whose name is</p> <p>18 subscribed to the foregoing instrument and acknowledged</p> <p>19 to me that they executed the same for the purposes and</p> <p>20 consideration therein expressed.</p> <p>21 Given under my hand and seal of office this</p> <p>22 _____ day of _____, _____.</p> <p>23 _____</p> <p>24 NOTARY PUBLIC IN AND FOR</p> <p>25 THE STATE OF _____</p> <p>COMMISSION EXPIRES: _____</p>	<p>151</p> <p>1 That the amount of time used by each party at</p> <p>2 the deposition is as follows:</p> <p>3 MR. MICHAEL THAD ALLEN: 3 Hour(s), 10 Minute(s)</p> <p>4 _____</p> <p>5 That pursuant to information given to the</p> <p>6 Deposition officer at the time said testimony was taken,</p> <p>7 the following includes counsel for all parties of record:</p> <p>8 <b>FOR THE PLAINTIFF:</b></p> <p>9 MR. MICHAEL THAD ALLEN</p> <p>10 Allen Harris, PLLC</p> <p>11 PO Box 404</p> <p>12 Quaker Hill, Connecticut 06375</p> <p>13 Office: 860-499-3399</p> <p>14 Fax: 860-481-7899</p> <p>15 Email: mallen@allenharrisllaw.com</p> <p>16 _____</p> <p>17 <b>FOR THE DEFENDANT:</b></p> <p>18 MS. MARY QUIMBY</p> <p>19 Assistant Attorney General</p> <p>20 General Litigation Division</p> <p>21 P.O. Box 12548</p> <p>22 Austin, Texas 78711-2548</p> <p>23 Office: 512-463-2100</p> <p>24 Email: mary.quimby@oag.texas.gov</p> <p>25 _____</p> <p>That \$_____ is the deposition officer's</p> <p>charges to <u>Mr. Michael Thad Allen, Attorney for</u></p> <p><u>Plaintiff</u>, for preparing the original deposition</p> <p>transcript and any copies of exhibits;</p> <p>I further certify that I am neither counsel</p> <p>for, related to, nor employed by any of the parties or</p> <p>attorneys in the action in which this proceeding was</p>
<p>150</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE EASTERN DISTRICT OF TEXAS</p> <p>3 SHERMAN DIVISION</p> <p>4 TIMOTHY JACKSON, X</p> <p>5 Plaintiff, X</p> <p>6 VS. X</p> <p>7 X CASE ACTION</p> <p>8 X NO.: 4:21-cv-00033-ALM</p> <p>9 LAURA WRIGHT, ET AL., X</p> <p>10 Defendants. X</p> <p>11 _____</p> <p>12 <b>REPORTER'S CERTIFICATION</b></p> <p>13 <b>DEPOSITION OF ANDREW JAY CHUNG</b></p> <p>14 <b>October 15, 2024</b></p> <p>15 <b>(Reported Remotely)</b></p> <p>16 _____</p> <p>17 I, Jennifer L. Sanders, Certified Shorthand</p> <p>18 Reporter in and for the State of Texas, hereby certify to</p> <p>19 the following:</p> <p>20 That the witness, ANDREW JAY CHUNG, was duly</p> <p>21 sworn by the officer and that the transcript of the oral</p> <p>22 deposition is a true record of the testimony given by the</p> <p>23 witness;</p> <p>24 That the deposition transcript was submitted on</p> <p>25 _____ to <u>Ms. Mary Quimby</u>, attorney for</p> <p>ANDREW JAY CHUNG, for examination, signature and return</p> <p>to me by _____;</p>	<p>152</p> <p>1 taken, and further that I am not financially or otherwise</p> <p>2 interested in the outcome of the action.</p> <p>3 Certified to by me this _____ day of</p> <p>4 _____, _____.</p> <p>5 _____</p> <p>6 _____</p> <p>7 JENNIFER L. SANDERS, CSR No. 5091</p> <p>8 Expiration Date: 10/31/26</p> <p>9 JULIA WHALEY &amp; ASSOCIATES</p> <p>10 2012 Vista Crest Drive</p> <p>11 Carrollton, Texas 75007</p> <p>12 Firm Registration No. 436</p> <p>13 214-668-5578 (Office)</p> <p>14 214-236-6666 (Fax)</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>

Diego Enrique Cubero Hernandez 09/26/2024 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, \*  
5 Plaintiff, \*  
6 VS. \* CASE NO. 4:21-CV-00033-ALM  
7 LAURA WRIGHT, ET AL., \*  
8 Defendants. \*

9  
10 ORAL AND VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
11 DIEGO CUBERO  
12 SEPTEMBER 26, 2024  
13  
14  
15

16 ORAL AND VIDEOTAPED VIDEOCONFERENCE  
17 DEPOSITION OF DIEGO CUBERO, produced at the instance of  
18 the Plaintiff, and duly sworn, was taken in the  
19 above-styled and numbered cause on the 26th day of  
20 September, 2024, from 3:14 p.m. to 5:52 p.m., before  
21 Carla A. Sims, AAS, CSR, RPR, in and for the State of  
22 Texas, reported by method of machine shorthand, via Zoom  
23 videoconference, pursuant to the Federal Texas Rules of  
24 Civil Procedure and the provisions stated on the record  
25 or attached hereto.

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REPORTER'S NOTE

Please note that due to the quality  
of the transmission data for a Zoom videoconference,  
cross-talk causes audio distortion in the testimony when  
preparing a videoconference transcript.

Diego Enrique Cubero Hernandez 09/26/2024 2

A P P E A R A N C E S

1 ALL PARTIES AND WITNESS APPEARED VIA  
2 ZOOM VIDEOCONFERENCE  
3

4 COUNSEL FOR THE PLAINTIFF:

5 Mr. Michael Thad Allen  
6 ALLEN LAW, LLC  
7 P.O. Box 404  
8 Quaker Hill, Connecticut 06375  
9 860/772-4738 (tel)  
10 m.allen@allen-lawfirm.com

11 COUNSEL FOR THE DEFENDANTS and DIEGO CUBERO:

12 Ms. Mary Quimby  
13 TEXAS ASSISTANT ATTORNEY GENERAL  
14 P.O. Box 12548  
15 Capitol Station  
16 Austin, Texas 78711  
17 mary.quimby@oag.texas.gov

18 COUNSEL FOR THE UNIVERSITY OF NORTH TEXAS:

19 Mr. Renaldo L. Stowers  
20 DEPUTY GENERAL COUNSEL, UNIVERSITY OF NORTH TEXAS  
21 115 Union Circle No. 310907  
22 Denton, Texas 76203  
23 940/565-2717 (tel)  
24 renaldo.stowers@untsystem.edu

25 ALSO PRESENT:

VIDEOPHOTOGRAPHER:

Mr. Jason Warner  
Legal Video Group  
lvj.dallas@gmail.com  
214-598-5229

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1 Q. (By Mr. Allen) Where is the qualification?  
2 A. If you can show me that previous document, I'll  
3 tell you.  
4 Q. Okay. Let's -- I will and I want to save that  
5 thought. But first I want to call -- you asked me -- we  
6 brought this up because I was asking you to identify  
7 racist actions of Timothy Jackson.  
8 And this is something that the students say  
9 about Timothy Jackson and you incorporate it by reference  
10 in your publication to the UNT faculty letter. Do you see  
11 this right here under Number 3? Hold accountable every  
12 person responsible?  
13 A. Uh-huh.  
14 Q. This should also extend to investigating past  
15 bigoted behaviors by faculty and by taking this into  
16 account the discipline and potential removal of faculty  
17 who use the JSS platform to promote racism.  
18 Specifically the actions of Dr. Jackson both past and  
19 present are particularly racist and unacceptable.  
20 So what I'm asking you is what specific actions  
21 can you identify by Dr. Jackson that are racist?  
22 MS. QUIMBY: Objection, form.  
23 A. By referring to this document, which I did not  
24 write, I -- by actions, I'm not sure I cannot -- I cannot  
25 speak to the -- for the students.

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1 Q. (By Mr. Allen) I'm not asking you to speak for  
2 the students. I'm just asking what you know. Do you  
3 have any direct knowledge of actions by Timothy Jackson  
4 which are racist?  
5 MS. QUIMBY: Objection, form.  
6 A. The -- what I understand right now, as I read  
7 this document, is that my understanding is that the  
8 students are referring to the publication of the Journal  
9 of Schenkerian Studies. That's my current understanding  
10 of it.  
11 Q. (By Mr. Allen) Okay.  
12 A. But again I'm speculating because I did not  
13 write it so...  
14 Q. Right. And I'm not asking you to speculate  
15 about what the students thought or conceived of. I'm  
16 asking you do you have any direct knowledge of actions,  
17 specific actions, that Timothy Jackson committed that you  
18 consider racist?  
19 MS. QUIMBY: Objection, form.  
20 A. I believe that there is -- I recollect there is  
21 passages in his publication that were perceived as  
22 racist.  
23 Q. (By Mr. Allen) Okay. Besides what he published  
24 in writing, and I assume you're referring to Volume 12 of  
25 the Journal of Schenkerian Studies?

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1 A. Yes.  
2 Q. Okay. So we've identified that. Is there any  
3 action besides speaking through a journal that you would  
4 identify as racist by Timothy Jackson?  
5 MS. QUIMBY: Objection, form.  
6 A. A question involving a remark involving race  
7 that was -- it was a long time ago. It's when  
8 Dr. Jackson alluded that a certain person didn't have a  
9 position because he was white, and that to me seemed --  
10 that could be construed as racist. But I don't -- I  
11 don't read that paragraph thinking about that particular  
12 action.  
13 Q. (By Mr. Allen) I'm sorry. You strategically  
14 cut out just when you said that very important thing you  
15 just said. So there was a person in the past, and  
16 timothy Jackson suggested that he didn't get a position.  
17 And what did you say after that?  
18 MS. QUIMBY: Objection, form.  
19 A. Yeah. I didn't strategically cut out. I think  
20 it's the internet.  
21 Q. (By Mr. Allen) No, no. Not you. It was the  
22 internet. I'm not saying you did it. It's just I  
23 couldn't hear. I really honestly couldn't hear it so I'm  
24 asking you.  
25 A. There was -- and this is going a long time ago,

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1 and I'm just trying to remember the moment where Dr.  
2 Jackson -- Dr. Jackson mentioned to me that a certain  
3 faculty member, you know, might not have this position  
4 because he was white.  
5 I took to mean -- the way I took this is that  
6 it was a little bit -- I took it as kind of something  
7 that could be interpreted there as racist.  
8 Q. It could be interpreted as racist?  
9 A. Yes.  
10 Q. A comment about a white faculty member?  
11 A. Well, the implication being that -- that -- and  
12 this was my understanding of this moment of this long  
13 time ago. It was a moment that just stuck with me. That  
14 -- that this person was being treated -- treated unfairly  
15 because they were white, and there was an interesting  
16 hire of people that were not.  
17 Q. Say that again. What was the last part?  
18 A. It was -- it was -- I understood it as a  
19 comment that reflected more on passing judgment on this  
20 person based on being white rather than it was not about  
21 the -- the skills of this particular person.  
22 MR. ALLEN: Can we go off the record?  
23 MS. QUIMBY: Sure.  
24 VIDEOGRAPHER: Off the record, 4:22.  
25 (Recess taken from 4:22 to 4:31)



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1 VIDEOGRAPHER: The time is 4:31. We're on  
 2 The record.  
 3 Q. (By Mr. Allen) Thank you, Professor Cubero, for  
 4 allowing me to take that break. I believe you were  
 5 saying that sometime ago, Timothy Jackson had made a  
 6 comment about a white professor who he thought did not  
 7 get a job or something. Could you explain that again?  
 8 A. Yes. That a while back, he made a comment as  
 9 to a white person not getting a job because --  
 10 Q. Because of race?  
 11 A. Because of race. And that it's something since  
 12 you asked me what actions that could be construed as  
 13 racist, I didn't take it to mean that that is what --  
 14 what The student response was referring to and nor did I  
 15 endorse that.  
 16 Q. Okay. And how long ago was this statement by  
 17 Timothy Jackson that you remember?  
 18 A. I don't remember. I really don't.  
 19 Q. Was it in The 2020 timeframe?  
 20 A. I don't think so.  
 21 Q. Okay. Do you consider yourself Latino?  
 22 A. Yes. I consider myself of white race and  
 23 Latino ethnicity.  
 24 Q. Has Timothy Jackson ever expressed anything  
 25 racist towards you for your national origins?

Diego Enrique Cubero Hernandez 09/26/2024 50

1 A. Not that comes to mind.  
 2 Q. And he was on faculty at The time you were  
 3 hired, correct?  
 4 A. That's correct.  
 5 Q. Was he part of The hiring process?  
 6 A. I believe he was in The search committee, but I  
 7 don't recall.  
 8 Q. Did you have any indication that you were  
 9 discriminated against by Timothy Jackson individually?  
 10 A. No.  
 11 Q. Have you ever witnessed Timothy Jackson  
 12 discriminate against a black American?  
 13 MS. QUIMBY: Objection, form.  
 14 A. I believe that The -- some of The statements  
 15 might have -- in his journal, in The journal, 12 Volume,  
 16 are construed as -- can be construed as racist.  
 17 Q. (By Mr. Allen) Okay. But I'm asking you a  
 18 little bit different question. Have you ever witnessed  
 19 Timothy Jackson discriminate against a black American  
 20 like in hiring, anything of that nature?  
 21 MS. QUIMBY: Objection, form.  
 22 A. Since you gave The example, I would say  
 23 I don't --  
 24 MR. ALLEN: He's frozen.  
 25 A. I don't recall he discriminating against a

Diego Enrique Cubero Hernandez 09/26/2024 51

1 black American in a hiring scenario.  
 2 Q. (By Mr. Allen) So you wanted to go back to this  
 3 statement. I think you said something about what you did  
 4 or did not endorse, correct?  
 5 A. Yes.  
 6 MS. QUIMBY: Objection, form.  
 7 Q. (By Mr. Allen) And were you directing my  
 8 attention to this document in saying that? This is The  
 9 Statement of UNT Faculty on Journal of Schenkerian  
 10 Studies that's attached to Exhibit 3 in The record.  
 11 MS. QUIMBY: Can you show The document?  
 12 MR. ALLEN: I am so sorry. I thought it  
 13 was up, and, of course, it was not.  
 14 Q. (By Mr. Allen) Here it is again, Exhibit 3.  
 15 A. Yes. So I forget your question but, yes, that  
 16 is The document.  
 17 Q. Well, before we broke, you said you did not  
 18 endorse The statement in The record, The student  
 19 statement which was introduced as Exhibit 4, which  
 20 identifies, quote, "racist actions" or words to that  
 21 effect. And you said I didn't endorse that part of The  
 22 student statement and you wanted to refer to this  
 23 document.  
 24 And I promised you we would come back to talk  
 25 about it, so I'm now putting Exhibit 3 back up and asking

Diego Enrique Cubero Hernandez 09/26/2024 52

1 you to show me why you believe you did not endorse The  
 2 student letter in that regard.  
 3 A. In this document The way I currently understand  
 4 it is that it's endorsing a call to action meaning that  
 5 The College of Music probably condemn that it shouldn't  
 6 release freely online to the public and to provide a  
 7 public account of the editorial publication process and  
 8 its failures.  
 9 So I see that as what this -- currently that's  
 10 how I see it as this statement is endorsing those two  
 11 action points.  
 12 Q. Okay. And nothing more? That's your -- is  
 13 that your testimony? That you weren't endorsing anything  
 14 more than publically condemning The issue and asking that  
 15 it be released freely online to The public, and you  
 16 weren't endorsing anything other than what's in  
 17 quotations?  
 18 A. That is how I read The statement currently. I  
 19 cannot go back to my mindset.  
 20 Q. Sure. Can you point to any language in The  
 21 sentence here that was published that says you only  
 22 endorse those quoted sections?  
 23 A. Can you repeat your question, please?  
 24 Q. Sure. Point to language in this statement of  
 25 UNT faculty on Journal of Schenkerian Studies that



1 Corrections pages contain any changes and the reasons  
2 therefor;  
3 \_\_\_\_\_ was not requested by the deponent or a party  
4 before the completion of the deposition.  
5 That the deposition transcript was submitted on  
6 October 30, 2024, to Ms. Mary Quimby, attorney for the  
7 witness, for examination, signature, and return to me by  
8 the 2nd day of December, 2024;  
9 That the amount of time used by each party at the  
10 deposition is as follows:  
11 Mr. Michael Thad Allen.....02 HOURS:15 MINUTES  
12 Ms. Mary Quimby.....00 HOURS:00 MINUTES  
13 Mr. Renaldo L. Stowers.....00 HOURS:00 MINUTES  
14 COUNSEL FOR THE PLAINTIFF:  
15 Mr. Michael Thad Allen  
16 ALLEN LAW, LLC  
17 P.O. Box 404  
18 Quaker Hill, Connecticut 06375  
19 860/772-4738 (tel)  
20 m.allen@allen-lawfirm.com  
21  
22 COUNSEL FOR THE DEFENDANTS and DIEGO CUBERO:  
23  
24 Ms. Mary Quimby  
25 TEXAS ASSISTANT ATTORNEY GENERAL  
P.O. Box 12548  
Capitol Station  
Austin, Texas 78711  
mary.quimby@oag.texas.gov  
COUNSEL FOR THE UNIVERSITY OF NORTH TEXAS:  
Mr. Renaldo L. Stowers  
DEPUTY GENERAL COUNSEL, UNIVERSITY OF NORTH TEXAS  
115 Union Circle No. 310907  
Denton, Texas 76203  
940/565-2717 (tel)  
renaldo.stowers@untsystem.edu

1 I further certify that I am neither counsel for,  
2 related to, nor employed by any of the parties or  
3 attorneys in the action in which this proceeding was  
4 taken. Further, I am not a relative or employee of any  
5 attorney of record in this cause, nor am I financially or  
6 otherwise interested in the outcome of the action.  
7 Certified to by me this the 14th day of October,  
8 2024.  
9  
10  
11 \_\_\_\_\_  
12 Carla A. Sims, AAS, RPR  
13 Texas CSR No. CSR-6125  
14 Expiration Date: 04-30-26  
15 JULIA WHALEY & ASSOCIATES, INC.  
16 2012 Vista Crest Drive  
17 Carrollton, Texas 75007-1640  
18 214-668-5578/Fax 972-236-6666  
19 JulieTXCSR@gmail.com  
20 Firm registration No. 436  
21 Firm registration Expires 5-31-25  
22  
23  
24  
25

1 FURTHER CERTIFICATION  
2 DEPOSITION OF DIEGO CUBERO  
3  
4 The original deposition was/was not returned to the  
5 deposition officer on the \_\_\_\_\_ day of \_\_\_\_\_,  
6 2024.  
7 If returned, the attached Changes and Signature  
8 page contains any changes and the reasons therefor;  
9 If returned, the original deposition was delivered  
10 to Mr. Michael Thad Allen, Custodial Attorney;  
11 That \$ \_\_\_\_\_ is the deposition officer's  
12 charges to the Plaintiff for preparing the original  
13 deposition transcript and any copies of exhibits;  
14  
15 Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_,  
16 202\_\_.  
17  
18  
19 \_\_\_\_\_  
20 JULIA WHALEY & ASSOCIATES, INC.  
21 2012 Vista Crest Drive  
22 Carrollton, Texas 75007-1640  
23 214-668-5578/Fax 972-236-6666  
24 JulieTXCSR@gmail.com  
25 Firm registration No. 436  
Firm registration Expires 5-31-25

Rachel Gain 5/19/21

1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, )  
5 Plaintiff, )  
6 v. ) CASE NO.  
7 LAURA WRIGHT, et al, ) 4:21-cv-00033-ALM  
8 Defendants. )  
9 )  
10 )

11 ORAL DEPOSITION OF  
12 RACHEL GAIN  
13 MAY 19, 2021  
14 -----  
15  
16

17 ORAL DEPOSITION OF RACHEL GAIN, produced as a  
18 witness at the instance of the Plaintiff, and duly  
19 sworn, was taken in the above-styled and numbered cause  
20 on May 19, 2021, from 1:06 p.m. to 2:49 p.m., before  
21 Nita G. Cullen, CSR in and for the State of Texas,  
22 reported by machine shorthand, at the Law Offices of  
23 Cutler Smith, 12750 Merit Drive, Suite 1450, in the City  
24 of Dallas, County of Dallas, State of Texas, pursuant to  
25 the Federal Rules of Civil Procedure.

Rachel Gain 5/19/21

3

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Rachel Gain 5/19/21

2

1 A P P E A R A N C E S

3 FOR THE PLAINTIFF:

4 MR. MICHAEL THAD ALLEN  
5 MS. SAMANTHA HARRIS  
6 ALLEN LAW, LLC  
7 P.O. Box 404  
8 Quaker Hill, Connecticut 06375  
860.772.4738  
860.469.2783 Fax  
m.allen@allen-lawfirm.com

9 FOR THE DEFENDANTS:

10 MR. MATT BOHUSLAV  
11 ASSISTANT ATTORNEY GENERAL  
12 GENERAL LITIGATION DIVISION  
13 ATTORNEY GENERAL OF TEXAS  
14 P.O. Box 12548, Capitol Station  
Austin, Texas 78711  
matthew.bohuslav@oag.texas.gov

14 AND

15 MR. RENALDO STOWERS  
16 SENIOR ASSOCIATE GENERAL COUNSEL  
17 UNIVERSITY OF NORTH TEXAS SYSTEM  
18 OFFICE OF GENERAL COUNSEL  
940.565.2717  
renaldo.stowers@untsystem.edu

19 ALSO PRESENT:

20 MR. TIMOTHY JACKSON  
21  
22  
23  
24  
25

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1 P R O C E E D I N G S

2 RACHEL GAIN,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MS. HARRIS:

6 Q. Okay. Hi, my name is Samantha Harris. I'm one  
7 of the attorneys for Dr. Jackson, along with my partner.  
8 And have you ever been deposed before?

9 A. No.

10 Q. Okay. So, it's just going to be a  
11 conversation, but it is part of the Court record, that's  
12 why she's taking these -- you know, these notes. And  
13 so, this is testimony that will be part of the case. If  
14 at any time anything I'm asking you isn't clear or you  
15 need me to clarify or repeat the question, just ask.

16 Your attorney may object from time to time.

17 MS. HARRIS: Are we going to stipulate,  
18 you know, the same things that we have in the previous  
19 depositions, that objections except as to form  
20 objections will be reserved for the time of trial.

21 MR. BOHUSLAV: Yes.

22 Q. (By Ms. Harris) Okay. So, he will object, and  
23 that objection will go on the record, but it doesn't  
24 change your obligation to answer the question. So, when  
25 he objects, it doesn't mean, you know, that you're not

1 going to answer, it just means that that objection will  
 2 be noted, and the Judge can decide what to do with it.  
 3 **A.** (Witness nods head affirmatively.)  
 4 **Q.** So, we'll just start with some background  
 5 questions. Is there anything that would prevent you  
 6 from giving truthful testimony here today?  
 7 **A.** No.  
 8 **Q.** Are you on any medications, or do you have any  
 9 medical conditions that could potentially interfere with  
 10 your ability to give truthful testimony?  
 11 **A.** Not that I know of, no.  
 12 **Q.** Okay. So, just tell me a little bit about your  
 13 background. Obviously, now, you're a graduate student  
 14 at UNT, right?  
 15 **A.** (Witness nods head affirmatively.)  
 16 **Q.** And what, specifically, are you studying?  
 17 **A.** I'm studying music theory.  
 18 **Q.** Music theory. Okay. Prior to that, where did  
 19 you go to college?  
 20 **A.** I did my undergraduate mostly at the University  
 21 of Birmingham, with one year at the University of  
 22 Ottawa, and I did a master's degree in music theory at  
 23 the University of Western Ontario.  
 24 **Q.** Okay. Now, you said you're studying music  
 25 theory here at the University of North Texas?

1 with Volume 12 of the JSS?  
 2 **A.** It was, I think, on the Friday evening, which I  
 3 believe was the 25th of July, 2020.  
 4 **Q.** Okay. And how did you hear about it, first?  
 5 **A.** On Twitter, people were posting their opinions  
 6 on it and screen shots of the passages that they were  
 7 offended by.  
 8 **Q.** Okay. Have you read Volume 12 of the JSS?  
 9 **A.** I've read most of it.  
 10 **Q.** Most of it. Okay. Have you read Dr. Jackson's  
 11 article?  
 12 **A.** Yes.  
 13 **Q.** Okay. And have you listened to Dr. Ewell's  
 14 talk, the talk that prompted --  
 15 **A.** Yes.  
 16 **Q.** Okay. So, when you said people were tweeting  
 17 about it, do you remember who specifically was tweeting  
 18 that you noticed?  
 19 **A.** Quite a lot of people. One person comes to  
 20 mind that I can definitely say did. The first name's  
 21 Devon. I can't remember the entirety of their surname,  
 22 but it begins with "C-H". Something like Chalamu or  
 23 Chalamo (Phonetic).  
 24 **Q.** And is that someone who was also a student at  
 25 UNT?

1 **A.** Yes.  
 2 **Q.** What year of the program are you in?  
 3 **A.** I just finished my second year.  
 4 **Q.** Okay. So, you're in the theory department.  
 5 Have you met Dr. Jackson before?  
 6 **A.** We've been in the same room, I've smiled at him  
 7 in hallways, but that's the extent of our interactions.  
 8 **Q.** Okay. So, would you say your interactions with  
 9 him have been pleasant or --  
 10 **A.** I've had no response from him, so I wouldn't  
 11 use the word "pleasant". I'd say absence, really.  
 12 **Q.** Okay. When did you first learn about the  
 13 controversy over Volume 12 of the -- I'm going to say  
 14 the Journal of Schenkerian Studies. If I call it the  
 15 JSS here on out, will that be clear?  
 16 **A.** Yes.  
 17 **Q.** And you know what? I see you nodded and said  
 18 "yes", and that reminds me of one thing I should have  
 19 said at the beginning of the deposition, is because this  
 20 is all going on the record, even if it's just a "yes" or  
 21 "no" answer, always say "yes" or "no", rather than just  
 22 nodding, which you didn't do, you said "yes", but it  
 23 made me think of it.  
 24 **A.** Okay.  
 25 **Q.** So, when did you first learn of the controversy

1 **A.** No.  
 2 **Q.** Okay. So, these were people from outside of  
 3 the university.  
 4 **A.** Yes.  
 5 **Q.** Do you know how they learned about the  
 6 controversy?  
 7 **A.** Some of them had a copy of the journal and had  
 8 read it, and others had seen the journal -- the excerpts  
 9 that had been sent to them.  
 10 **Q.** Okay. And when did you first read Dr.  
 11 Jackson's article?  
 12 **A.** I read the excerpts at the time, and within the  
 13 next day or two, I read the article.  
 14 **Q.** Okay. All right. Terrific. So, you know, I  
 15 meant to do this before we did the background, but I'm  
 16 going to just -- so, I'm going to be introducing some  
 17 documents throughout. They're going to be marked as  
 18 exhibits.  
 19 So, any document that I'm going to ask you  
 20 about, I will give you a copy of to familiarize yourself  
 21 with it. And the first thing I just want to give you a  
 22 copy of, and I believe this will be 35, I think, because  
 23 we're continuing to number the exhibits from previous  
 24 depositions.  
 25 This is just the Notice of Deposition that

1 you received, and I just want you to confirm that, you  
2 know, you are, in fact, here today in response to this,  
3 in order to give testimony in this case.

4 A. Yeah.

5 (DEPOSITION EXHIBIT 35 MARKED.)

6 Q. (By Ms. Harris) All right. Then, the next  
7 document I want to introduce is Exhibit 36, is your  
8 tweet where you shared a statement on behalf of -- oh,  
9 yes.

10 (DEPOSITION EXHIBIT 36 MARKED.)

11 MR. BOHUSLAV: Do you happen to have an  
12 extra copy?

13 Q. (By Ms. Harris) Where you shared these  
14 statements. So, is this, in fact, your tweet, to  
15 confirm that this is your tweet from July 27th sharing  
16 this statement on behalf of graduate students?

17 A. I mean, the tweets you put in front of me are  
18 Dr. Virani's tweets.

19 Q. Well, but the one that he re-tweeted.

20 A. The one that he shares is my tweet.

21 Q. Okay. And so -- and how many Twitter followers  
22 do you have, do you know?

23 A. I mean, do you want the number that I have now,  
24 or that I had at the time?

25 Q. If you remember what you had at the time.

1 A. A few hundred. I would have to estimate that  
2 it would be somewhere between maybe 300 and 600, but  
3 that is an estimate.

4 Q. And how many do you have, now?

5 A. Now, I believe I have approximately 1,100.

6 Q. Okay. So you gained a lot of followers after  
7 this. Had you read -- on the 27th, when you tweeted  
8 this out, had you read Dr. Jackson's article at that  
9 point?

10 A. I believe I had.

11 Q. You believe you had.

12 A. To the best of my memory.

13 Q. Okay. And so, now, I want to share with you,  
14 and this is marked as Exhibit 3 because it's already  
15 been introduced into the record, this statement. And is  
16 this -- I want to verify with you that this is the  
17 version of the statement that you tweeted out on the  
18 27th, because there was a later version, as well, which  
19 I'll show you when we get to it.

20 A. Are you able to show me my own tweets, so I can  
21 compare this?

22 Q. We don't have a copy, because your Twitter is  
23 private, so we only have the tweets that were produced  
24 to us, and it was in the form of a re-tweet. So, no, I  
25 don't, I just have that re-tweet.

1 A. I would need the copy of what I tweeted in  
2 order to compare and say with absolute certainty that  
3 the two versions are the same.

4 Q. Can you confirm that you have seen this version  
5 of the statement, which is the draft that was attached  
6 to the ad hoc panel's report on the incident?

7 A. I couldn't say with absolute certainty that  
8 this is word for word the version I've seen. I wasn't  
9 aware that there was supposedly more than one version,  
10 but I've probably seen this before. It looks familiar,  
11 but there's a lot of words on that page.

12 Q. Okay. Do you -- you know, you mentioned the  
13 tweet that you sent. Did you produce that tweet to your  
14 counsel as part of the document production?

15 A. Yes.

16 Q. Yes. Okay. I don't believe that was in the  
17 production we received from UNT of her documents, but I  
18 guess we will move on, then.

19 Okay. So, I am going to -- so, are you  
20 aware -- are you familiar with the ad hoc panel report  
21 that was issued about the JSS incident?

22 A. I'm familiar with it. I'm aware of it.

23 Q. So, this document was attached as Exhibit 3 to  
24 that ad hoc panel report. Do you have any reason to  
25 believe that the ad hoc panel had an erroneous version

1 of the statement that was put out by the graduate  
2 students over social media?

3 A. No.

4 Q. Okay. So, is it all right, then, if I ask you  
5 some questions about this document?

6 A. Yes.

7 Q. Okay. So, do you recall who authored it? How  
8 it came to be?

9 A. Yes.

10 Q. Okay. Can you tell me about that process?

11 A. Originally, five of us drafted an original  
12 version, and then it was some kind of Cloud document  
13 that could be edited, so additional students came and  
14 added their opinions. And in the process, there may  
15 have been a re-drafting.

16 Q. Okay. Who were the -- besides yourself, who  
17 were the original -- the four other people who  
18 originally worked on the statement?

19 A. It was myself, Brian Anderson, Elizabeth  
20 Durrant, Salvador Hernandez and -- who did I already  
21 say?

22 Q. Brian Anderson, Salvador Hernandez.

23 A. Elizabeth Durrant and -- sorry, I do know the  
24 names, just --

25 Q. Okay. That's okay. We can come back to it, if

1 you recall, you let me know. And what was the process  
 2 for developing this? Did you meet over Zoom? Did you  
 3 sort of all go into a Cloud document, as you say?  
 4 **A.** Yes.  
 5 **Q.** You met over Zoom?  
 6 **A.** Yes.  
 7 **Q.** And you had a document -- and you had it open  
 8 in the Cloud and were making edits?  
 9 **A.** Yes.  
 10 **Q.** Okay. And how was it decided that you would be  
 11 the one to share it over social media?  
 12 **A.** The first -- at first, Peter said he could do  
 13 it, as the president of GAMuT, then somebody said, this  
 14 isn't a GAMuT thing so not necessarily you. I said it  
 15 should be a theorist.  
 16 **Q.** And just to clarify, GAMut is the --  
 17 **A.** The Graduate Association of Musicologists and  
 18 Theorists.  
 19 **Q.** Okay. So, you said that you said it should be  
 20 a theorist?  
 21 **A.** I said it should be a theorist, and I think  
 22 somebody said, maybe it should be Rachel, as I was vice  
 23 president of GAMuT and within the student society,  
 24 supposedly the highest ranking theorist, plus, I had a  
 25 Twitter account dedicated to academia.

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1 **Q.** Okay. Were there other theorists involved in  
 2 developing this statement?  
 3 **A.** Yes.  
 4 **Q.** Okay. Who were they?  
 5 **A.** I believe Bryan Stevens was one of the editors.  
 6 **Q.** Okay.  
 7 **A.** And -- sorry, I'm trying to remember who's a  
 8 theorist and who's a musicologist in our division.  
 9 Right this second, he's the only name that comes to  
 10 mind, but there may have been more theorists.  
 11 **Q.** Okay. There may have been more theorists, you  
 12 said?  
 13 **A.** Yes.  
 14 **Q.** Okay. And did you share it on any platforms  
 15 other than Twitter?  
 16 **A.** I don't think I did, unless I perhaps linked a  
 17 link to that perhaps in a Facebook message or an e-mail.  
 18 **Q.** Okay.  
 19 **A.** I'm not certain.  
 20 **Q.** Okay. When you were producing documents to  
 21 counsel for this deposition, did you look through  
 22 Facebook and e-mail and other relevant platforms to see  
 23 if you had anything responsive?  
 24 **A.** Yes.  
 25 **Q.** Okay. So, the petition opposes the platforming

1 of, quote, "racist sentiments in JSS Volume 12." Can  
 2 you tell me, specifically, what sentiments you believe  
 3 were racist in the volume?  
 4 **A.** Yes. There were a few. I think, primarily,  
 5 the racist stereotype that because Dr. Ewell is black,  
 6 he is probably anti-Semitic, as well. There is also the  
 7 extended footnote about how hip hop is misogynistic,  
 8 despite having relevance to the paper. There may have  
 9 been something else, but without the document in front  
 10 of me, I wouldn't be able to say.  
 11 **Q.** Okay. And how would you define "racist"?  
 12 **A.** I think there's a lot of definitions which are  
 13 equally valid. One would be believing that one group is  
 14 superior over another or that people have  
 15 characteristics based on their race and that the  
 16 characteristics of one race might be better than the  
 17 characteristics of another race, and there's also  
 18 systemic racism.  
 19 **Q.** And how would you define "systemic racism"?  
 20 **A.** Systemic racism would be the structures the  
 21 privileged white people have over people of color.  
 22 **Q.** And you mentioned that one of the things that  
 23 was racist was a statement that there is misogyny in hip  
 24 hop music. Do you believe that there is misogyny in hip  
 25 hop music?

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1 **A.** I believe there's misogyny in a lot of music.  
 2 **Q.** Okay. But do you believe there's misogyny in  
 3 hip hop music?  
 4 **A.** I'd have to listen to some hip hop music to  
 5 tell you, but it seems likely.  
 6 **Q.** Okay. So, you've never listened to hip hop  
 7 music?  
 8 **A.** I have, but I'm very bad at interpreting lyrics  
 9 when I listen to songs.  
 10 **Q.** So, to the best of your knowledge, you have  
 11 never heard any hip hop lyrics that you would deem  
 12 misogynistic?  
 13 **A.** I probably have, but I can't recall specific  
 14 examples.  
 15 **Q.** Okay. And do you believe that Ewell's  
 16 criticisms of Heinrich Schenker could have been  
 17 motivated by anti-Semitism?  
 18 **A.** No.  
 19 **Q.** No. Okay. And what's the basis for that  
 20 belief?  
 21 **A.** I don't believe that Ewell is anti-Semitic, and  
 22 I believe that the criticisms that he made don't refer  
 23 or rest on the race of Heinrich Schenker.  
 24 **Q.** So, you don't necessarily believe that  
 25 criticizing someone who happens to be a member of a

1 specific group indicates a prejudice against that group.  
 2 **A.** Could you repeat the question, please?  
 3 **Q.** So, what you're saying is, you know, the fact  
 4 that Philip Ewell was criticizing Heinrich Schenker, who  
 5 is Jewish, does not imply that his criticism was  
 6 motivated by anti-Semitism.  
 7 **A.** I think, in his case, it did not, but sometimes  
 8 people will make criticisms of a person in a group that  
 9 are based on racist stereotypes and racism.  
 10 **Q.** And how would you distinguish that? You know,  
 11 if a white person were to criticize the paper of a black  
 12 person, would you assume that to be motivated by racism?  
 13 **MR. BOHUSLAV:** Objection, compound.  
 14 **A.** I think it depends on case by case basis.  
 15 **Q.** (By Ms. Harris) Okay. And so, what led you to  
 16 believe, specifically, that Dr. Jackson's criticism of  
 17 Ewell's paper was based on racism?  
 18 **A.** Because made ad hominem attacks the --  
 19 stereotyped the beliefs that on paper Dr. Jackson seems  
 20 to believe that Dr. Ewell had based solely on his race.  
 21 **Q.** Say that again. I'm sorry.  
 22 **A.** Which part?  
 23 **Q.** Oh, he made criticisms that seemed to -- or can  
 24 you read that back to me?  
 25 (THE RECORD WAS READ BACK.)

1 **Q.** (By Ms. Harris) Can you rephrase that? I  
 2 don't think I understand what you meant by that.  
 3 **A.** Yes. Because there is a section of what Dr.  
 4 Jackson published in which his sole accusation and his  
 5 sole piece of evidence for Dr. Ewell being an  
 6 anti-Semite is that he is black.  
 7 **Q.** Okay. Thank you. So, do you believe that all  
 8 racist speech should be censored?  
 9 **A.** No.  
 10 **Q.** Okay. So, what do you -- where do you draw  
 11 that line? Because, obviously, you know, this petition,  
 12 as we'll discuss, calls for the -- you know, the journal  
 13 to be -- the article to be retracted. What do you  
 14 believe justifies censorship?  
 15 **A.** I reject to that characterization. We  
 16 specifically did not ask for it to be retracted.  
 17 **Q.** Okay. All right. So, the first thing you did  
 18 ask for here was that the university publicly condemn  
 19 the issue and release it freely online to the public,  
 20 yes?  
 21 **A.** Yes.  
 22 **Q.** Okay. And the reason you cited for that was a  
 23 lack of peer review, publication of an anonymous  
 24 response, and a lack of rigor, yes?  
 25 **A.** Yes.

1 **Q.** But what you asked for was that the university  
 2 release an apology for its content.  
 3 **A.** Yes.  
 4 **Q.** Okay. So, I'm just a little bit confused there  
 5 because, you know, if you were upset about the  
 6 procedure, why did you ask for an apology, not for the  
 7 procedure but for the content?  
 8 **A.** Because it was the content that was offensive,  
 9 not the procedure.  
 10 **Q.** Okay. So, is it fair to say that if you hadn't  
 11 been upset by the content of the issue, you would not  
 12 have issued a condemnation of the process?  
 13 **A.** I don't think we'd known about the process or  
 14 asked about it. In general, we don't care about what  
 15 happens at the Journal of Schenkerian Studies, if there  
 16 isn't a reason given to us to care about it.  
 17 **Q.** Okay. So, would it be fair to say, then, that  
 18 your main issue with Volume 12 of the JSS was the  
 19 content and not the process?  
 20 **A.** No, I'd say it was both.  
 21 **Q.** Okay. But you just said that it was the  
 22 content that --  
 23 **MR. HARRIS:** Can you repeat back to me --  
 24 when I asked -- you were upset about the procedure, but  
 25 you wanted an apology for the content. Could you read

1 me back that answer?  
 2 (THE RECORD WAS READ BACK.)  
 3 **Q.** (By Ms. Harris) So, you said it was the  
 4 content that was offensive, not the procedure, but it's  
 5 not fair to characterize that as saying that your  
 6 primary issue was with the content?  
 7 **MR. BOHUSLAV:** Objection, vague. You can  
 8 answer.  
 9 **A.** Like I said, the content of the journal was  
 10 offensive, but that doesn't mean that the rest -- the  
 11 process was not problematic or flawed or other  
 12 adjectives. I mean --  
 13 **Q.** Okay. So, if the process had not been  
 14 concerning to you, would you have wanted there to be any  
 15 disciplinary action taken because of the content?  
 16 **A.** I'd have to speculate. I mean, I don't know.  
 17 That situation did not arise.  
 18 **Q.** Okay. You also want the journal released  
 19 freely online to the public, because you expressed in  
 20 this petition a concern that the JSS leadership was  
 21 going to hide the issue. Did you have any concrete  
 22 reason to believe they were looking to hide the issue?  
 23 **A.** That's a mischaracterization. I don't believe  
 24 we said the JSS leadership were going to hide it, to the  
 25 best of my memory.



1 negative experiences with him based on their race and  
 2 nationality.  
 3 Q. Okay. So, when this statement says, "past  
 4 bigoted behaviors," it's referring specifically to Dr.  
 5 Jackson's treatment of Koreans?  
 6 A. No.  
 7 Q. Okay. Then, what is it referring to?  
 8 A. A lot of incidents experienced by a lot of  
 9 people.  
 10 Q. Okay. Such as what you mentioned, the incident  
 11 with some Korean students. What other incidents?  
 12 A. I've heard from an African -- well, I've heard  
 13 third-hand of an African-American student who was  
 14 treated poorly.  
 15 Q. Do you know in what way they were allegedly  
 16 treated poorly?  
 17 A. No.  
 18 Q. So, you've heard third-hand --  
 19 A. Yes.  
 20 Q. -- that Dr. Jackson allegedly treated an  
 21 African-American student poorly, but you don't know how.  
 22 A. That's one example, but I believe those reports  
 23 are available.  
 24 Q. And going back to the Korean students, you  
 25 would not say that his treatment of Korean students

1 falls under the past bigoted behaviors?  
 2 A. I believe I found out about that incident after  
 3 this. So, this, specifically, does not refer to that,  
 4 but this is an incident that would fall under that  
 5 category.  
 6 Q. Okay. So, to the best of your knowledge, the  
 7 past bigoted behaviors referred to in this report, is a  
 8 third-hand report of an African-American student who was  
 9 treated poorly?  
 10 A. No.  
 11 Q. Can you tell me what it does refer to?  
 12 A. If you stop interrupting me, then yes, sorry.  
 13 MR. ALLEN: Let's take a break.  
 14 MS. HARRIS: Okay. Would you like a  
 15 break?  
 16 THE WITNESS: I guess.  
 17 MR. BOHUSLAV: Let's take a break.  
 18 (OFF THE RECORD FROM 1:50 TO 1:59 P.M.)  
 19 Q. (By Ms. Harris) So, we just want to sort of  
 20 circle back and close the loop on these -- the request  
 21 to investigate past bigoted behaviors by faculty.  
 22 You had mentioned that you had heard that  
 23 Dr. Jackson treated some Korean students poorly, but  
 24 that you had not heard about that at the time, so that  
 25 this is not -- that was not when you were endorsing the

1 statement part of what you meant?  
 2 A. Yes.  
 3 Q. Okay. But that you had heard third-hand that  
 4 he once treated an African-American student poorly in an  
 5 unspecified way?  
 6 A. That was also after the fact. That was not  
 7 what I was referring to in this statement.  
 8 Q. Okay. So, what were you referring to in this  
 9 statement?  
 10 A. There have been allegations of sexist behavior,  
 11 for example.  
 12 Q. Okay. By Dr. Jackson, specifically?  
 13 A. Yes.  
 14 Q. Okay. Such as what?  
 15 A. There was an incident with Dr. Notley, I  
 16 believe, at -- this was before I was at UNT, so, again,  
 17 this is secondhand, and this is the best memory I have  
 18 of what I was told. At Dr. Graf's defense of his  
 19 dissertation proposal, a few professors disagreed with  
 20 part of the proposal, and of all the people that  
 21 disagreed, Dr. Jackson specifically verbally attacked  
 22 Dr. Notley, saying that she didn't understand -- it was  
 23 either music theory or music analysis that she didn't  
 24 understand, which seemed unfounded seeing as she taught  
 25 music theory at Yale.

1 Q. Okay. And so you believe that this alleged  
 2 verbal attack was because she was a woman?  
 3 A. Well, he didn't attack any of the men in the  
 4 room who held the exact same belief.  
 5 Q. Okay. And, again, you heard about this  
 6 secondhand, you said?  
 7 A. Yes. From several people.  
 8 Q. From several people. So, when you were  
 9 endorsing this request for an investigation of past  
 10 bigoted behaviors, this is what you specifically were  
 11 thinking of?  
 12 A. That's one thing.  
 13 Q. Okay. What else?  
 14 A. There is the incident with Yiyi Gao, where I've  
 15 heard that allegedly Dr. Jackson told her that she had  
 16 to work for free over summer or he would dock her  
 17 grades.  
 18 Q. Okay. Do you believe that if a student did not  
 19 complete the work that they are supposed to complete  
 20 during the academic year, that it would be reasonable  
 21 for a faculty member to request that they complete that  
 22 work over the summer?  
 23 A. Well, that would go against the terms of her  
 24 international student visa.  
 25 Q. What are the terms of her international student

1 visa?

2 **A.** That you work 20 hours a week during term time,

3 and if she wasn't employed over the summer, she couldn't

4 do that work, I believe. I'm not entirely 100 percent

5 solid on all H1-B's requirements, but it seems like that

6 would be something that she couldn't do, seeing as we're

7 employed during a semester to do our work and not during

8 the summer.

9 **Q.** And what is it about, as for a dispute over the

10 completion of work, that you believe is bigoted?

11 **A.** Well, I don't -- that's not how I would

12 characterize that.

13 **Q.** Did you not just say that that was another

14 example of past bigoted behavior?

15 **A.** Well, I didn't say that it was a dispute over

16 the completion of work. That's not my words or --

17 **Q.** All right. How would you characterize that,

18 then?

19 **A.** I'd characterize it as Yiyi was told that she

20 needed to work over summer for free and that Dr. Jackson

21 took credit for her work, is what I heard.

22 **Q.** Okay. Who have you heard that from?

23 **A.** Yiyi, Bryan Stevens, and David Falterman.

24 **Q.** Okay.

25 **A.** "David" spelled like David.

1 **Q.** Okay. Now, going back to this first iteration

2 of the graduate student statement, you also -- the

3 statement also says that "the actions of Dr. Jackson,

4 both past and present, are particularly racist and

5 unacceptable."

6 Now, you've spoken about some incidents

7 that you believe reflect sexism. Can you tell me what

8 past incidents, specifically, you believe were racist?

9 **A.** Well, Yiyi is Chinese, so that incident.

10 **Q.** Okay. So, you believe that because he had some

11 sort of issue with someone Chinese that that means that

12 it was racist?

13 **A.** I wouldn't characterize it like that.

14 **Q.** How would you characterize it?

15 **A.** Well, I don't know, specifically, if that

16 incident was racist, but it seems likely, given what

17 I've heard. And also, there have been the other past

18 racist incidents that I've mentioned.

19 **Q.** What have you heard that make its likely --

20 that makes you believe it is likely that that incident

21 was racist?

22 **A.** I don't know how to put a finger on it. I

23 wouldn't like to speculate.

24 **Q.** I'd like you to speculate.

25 MR. BOHUSLAV: Objection, calls for

1 speculation.

2 **Q.** (By Ms. Harris) There's no prohibition on

3 speculating. The Court may or may not decide to use it.

4 But since you are characterizing this incident as

5 racist, I would assume you have some reason for doing

6 so. I mean, you've clearly speculated in your own mind

7 and come to the conclusion that this was likely racist,

8 so I would like to understand your thinking.

9 **A.** I can't be certain that it's racist, but it

10 seems likely.

11 **Q.** Why does it seem likely?

12 **A.** Because he hasn't done this to people who are

13 white as much.

14 **Q.** So, are you aware of people who are white who

15 he has worked with who have had issues with him?

16 **A.** Yes, Dr. Jackson has -- Dr. Notley is white.

17 **Q.** Okay. So, what is your basis for believing

18 that he has not done this as frequently to people who

19 are white?

20 **A.** I'm not sure if that's what I said.

21 **Q.** Can you read back when I asked what makes

22 you -- the most recent time that I asked, "why do you

23 believe this was racist?" Where she said, "because he

24 hasn't done this to white people"?

25 (THE RECORD WAS READ BACK.)

1 **Q.** (By Ms. Harris) Yes. So I'm asking what's

2 your basis for that belief?

3 **A.** Well, based on the incidents that I've heard,

4 I've heard of a few white people and a large number of

5 people of color.

6 **Q.** Okay. So, a large number of people of color.

7 **A.** Larger.

8 **Q.** So, we have the one African-American student,

9 we have several Korean students, allegedly.

10 Incidentally, are you aware that Dr. Jackson's wife is

11 Korean?

12 **A.** I knew that she was Asian. I did not know,

13 specifically, that she is Korean.

14 **Q.** And are you aware that he has two children who

15 are half Korean?

16 **A.** No.

17 **Q.** So, we have the several Korean students, we

18 have one African-American student, and we have Yiyi.

19 What other incidents? You said a large number.

20 **A.** I said "larger".

21 **Q.** Okay.

22 **A.** Not "large".

23 **Q.** Okay. So, are those all of the incidents that

24 you are aware of?

25 **A.** Those are the ones that come to mind, and as is



1 hopefully evident, I'm not the only author of this  
2 statement, and other people may have been aware of other  
3 incidents.

4 Q. But you've endorsed this statement.

5 A. Yes, because I trust my colleagues.

6 Q. Okay. This document also refers to  
7 whistleblowers. Who are the whistleblowers that this  
8 document is referring to?

9 A. Levi Walls.

10 Q. Levi Walls. And it talks about the people who  
11 failed to heed them. Who is it who allegedly failed to  
12 heed the statements of the whistleblowers?

13 A. Dr. Brand.

14 Q. Dr. Brand. Okay. And when you say -- so,  
15 whistleblowers, plural, refers only to Levi Walls?

16 A. Yes, I believe it's a general use of the term  
17 in plural, not specifically saying that it's more than  
18 one person.

19 Q. Okay. So, now, I would like to return back to  
20 the second version of the graduate student statement,  
21 the one that was sent to Dean Richmond on July 30th, and  
22 which you should have -- yeah, there, as Exhibit 34.

23 A. Thank you.

24 Q. So, I noticed that a lot of the language in  
25 this has been changed and sort of strengthened since the

1 A. I didn't say that. I said that it was because  
2 it was based on a racist stereotype that black people  
3 are anti-Semitic.

4 Q. (By Ms. Harris) Understood. So, that was --  
5 that's the ad hominem attack that you're referring to?

6 A. I believe so.

7 Q. Okay. You also -- this statement also  
8 criticizes the fact that the call for papers gave a two-  
9 week deadline for responses. What would be the normal  
10 time for a -- length of time for responses in a  
11 symposium like this?

12 A. I don't know, but I would assume longer than  
13 two weeks, seeing as you'd have to write an article from  
14 scratch and do all the research and writing and  
15 finalizing it in a two-week period.

16 Q. Okay. So, you don't know, but you would  
17 assume.

18 A. Yes.

19 Q. Okay. And, again, going back to this question  
20 of the deadlines being selectively enforced, I'd like to  
21 know what this means.

22 A. That was something that my colleagues wrote, I  
23 believe.

24 Q. Okay. So, do you have any knowledge of whether  
25 or not deadlines were selectively enforced?

1 July 27th version that you tweeted. So, how were those  
2 changes made?

3 A. Well, it's a different statement.

4 Q. Okay. So, how was this statement prepared?

5 A. I believe, to the best of my memory, on another  
6 Zoom call with a Cloud document.

7 Q. And were you a part of that Zoom call?

8 A. To the best of my memory, yes.

9 Q. Okay. Do you remember if there was one call or  
10 more than one call?

11 A. I can't remember.

12 Q. Okay. So, this document refers to ad hominem  
13 attacks on Philip Ewell.

14 A. Yes.

15 Q. Can you give me some examples of what you  
16 believe to be ad hominem attacks?

17 A. Same as anti-Semitic.

18 Q. Okay. And you -- am I correct that you said  
19 before that you believe it was racist that Dr. Jackson  
20 accused Philip Ewell of anti-Semitism because Philip  
21 Ewell is black?

22 MR. BOHUSLAV: Objection, misstates  
23 testimony.

24 MS. HARRIS: Objection, what?

25 MR. BOHUSLAV: Misstates the testimony.

1 A. I could speculate based on a vague memory that  
2 I have.

3 Q. Okay. Tell me.

4 A. I have a vague memory of someone telling me  
5 that the anti-Ewell responses were allowed later than  
6 the deadline.

7 Q. Okay. Do you remember who told you this?

8 A. No.

9 Q. Okay. This document also refers to "illicit  
10 collaboration". Can you tell me what the graduate  
11 students here, including yourself, meant by "illicit  
12 collaboration"?

13 A. I did not write that sentence, I don't believe,  
14 that doesn't sound like something I would write, but I  
15 believe that it refers to the fact that the anti-Ewell  
16 papers all cite to each other, and, therefore, they must  
17 have been privy to what each other were writing.

18 Q. Okay. And would that be -- that would be, in  
19 your view, illegitimate for academics to share papers  
20 with one another prior to publication?

21 A. No, not at all, but I believe what my  
22 colleagues are referring to here is probably the fact  
23 that it only happens between people actually against Dr.  
24 Ewell rather than for him.

25 Q. Okay. But you have no personal knowledge of

1 correct?  
2 A. Yes.  
3 Q. Okay. The petitions also refer to the past  
4 bigoted behaviors of UNT faculty.  
5 A. Yes.  
6 Q. And you've testified today that you don't have  
7 any firsthand knowledge of past bigoted behaviors by UNT  
8 faculty.  
9 A. Yes.  
10 Q. Okay. And this also referred to past racist  
11 actions of Dr. Jackson, yes?  
12 A. Could you show me where in the document it says  
13 that?  
14 Q. Sure. It's under -- it is the July 27th  
15 petition that's marked Exhibit 3 at the top. Yeah.  
16 That one.  
17 A. Okay.  
18 Q. Says, "Dr. Jackson's actions, both past and  
19 present, are racist and unacceptable." So, is it fair  
20 to say that you don't have firsthand knowledge of any  
21 past racist actions by Dr. Jackson?  
22 A. Well, seeing as I've never been in the same --  
23 or I've never been in a conversation with him, that  
24 would follow, yes.  
25 Q. Okay. And in the July 30th version of the

1 statement, Dr. Jackson is accused of extortion, correct?  
2 A. Where is this?  
3 Q. It is on Kohanski 000109, No. 3 under "Calling  
4 for Dr. Jackson's Dismissal. Extortion through grade  
5 manipulation and threats to students' careers and  
6 reputations."  
7 A. It does say that.  
8 Q. Okay. And is it fair to say that you have no  
9 firsthand knowledge of any extortion by Dr. Jackson?  
10 A. Yes. I wasn't in the country at the time.  
11 Q. Okay. But you did sign your name to a  
12 statement asking that Dr. Jackson be fired for all of  
13 these reasons, yes?  
14 A. Where does it say that he should be fired?  
15 Q. "Calling for Dr. Jackson's Dismissal. Dr.  
16 Jackson should be removed from the UNT faculty."  
17 A. Yes. I signed a statement saying that it was  
18 our opinion that he should be fired.  
19 Q. Okay.  
20 A. Or dismissed, in the words of the statement.  
21 Q. Okay. And other than his article in the  
22 journal, which you have said you've read, would it be  
23 fair to say that you called for his termination with no  
24 firsthand knowledge of any of the behaviors specified in  
25 this petition?

1 A. Yes.  
2 MS. HARRIS: Okay. Thanks. That's all.  
3 THE WITNESS: Okay. Thank you.  
4 MS. HARRIS: Do you have any --  
5 MR. BOHUSLAV: No. We'll reserve  
6 questions for time of trial.  
7 (DEPOSITION ADJOURNED AT 2:49 P.M.)  
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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, )  
5 )  
6 Plaintiff, )  
7 ) Case No.  
8 v. )  
9 ) 4:21-cv-00033-ALM  
10 LAURA WRIGHT, et al, )  
11 )  
12 Defendants. )  
13  
14  
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DEPOSITION CERTIFICATE  
RACHEL GAIN  
MAY 19, 2021  
-----

1 I, Nita G. Cullen, Certified Shorthand  
2 Reporter in and for the State of Texas, hereby certify  
3 to the following:  
4 That the witness, RACHEL GAIN, was duly sworn  
5 by the officer and that the transcript of the oral  
6 deposition is a true record of the testimony given by the  
7 witness;  
8 I further certify that pursuant to FRCP Rule  
9 30(f)(1) that the signature of the deponent:  
10 \_\_\_\_\_ was requested by the deponent or a  
11 party before the completion of the deposition and is to

*Rachel Gain 5/19/21*

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1 be returned within 30 days from date of receipt of the  
2 transcript. If returned, the attached Changes and  
3 Signature Page contains any changes and the reasons  
4 therefor;

5 X was not requested by the deponent or a  
6 party before the completion of the deposition.

7 I further certify that I am neither attorney or  
8 counsel for, nor related to or employed by, any of the  
9 parties or attorneys to the action in which this  
10 deposition was taken.

11 Further, I am not a relative or employee of any  
12 attorney of record in this case, nor am I financially  
13 interested in the outcome of the action.

14 Subscribed and sworn to on this 15th day of  
15 June, 2021.

16

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24

25

NITA G. CULLEN, Texas CSR #1563

Expiration Date: 08-31-2022

JULIA WHALEY & ASSOCIATES

Firm Registration No. 436

2012 Vista Crest Drive

Carrollton, Texas 75007-1640

214.668.5578

21

22

23

24

25

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, )  
5 Plaintiff, )  
6 vs. ) CASE NO. 4:21-CV-00033-ALM  
7 LAURA WRIGHT, et al., )  
8 Defendants. )  
9 \*\*\*\*\*  
10 VIDEOTAPED ZOOM ORAL DEPOSITION OF  
11 REBECCA GEOFFROY-SCHWINDEN, Ph.D.  
12 September 27, 2024  
13 (Reported Remotely)  
14 \*\*\*\*\*  
15 VIDEOTAPED ORAL DEPOSITION OF REBECCA GEOFFROY-  
16 SCHWINDEN, Ph.D., produced as a witness at the instance  
17 of the plaintiff and duly sworn, was taken in the  
18 above-styled and -numbered cause on the 27th day of  
19 September, 2024, from 1:33 p.m. to 4:38 p.m., before  
20 Kim D. Carrell, Certified Shorthand Reporter in and for  
21 the State of Texas, reported remotely by computerized  
22 stenotype machine at the University of North Texas  
23 System, 801 North Texas Boulevard, Gateway Suite #308,  
24 Denton, Texas, pursuant to the Federal Rules of Civil  
25 Procedure and the provisions stated on the record or  
attached hereto.

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24 3

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1 APPEARANCES  
2 FOR THE PLAINTIFF:  
3 Mr. Michael Thad Allen  
4 ALLEN LAW, LLC  
5 P.O. Box 404  
6 Quaker Hill, CT 06375  
7 Telephone: 860.772.4738 - Fax: 860.469.2783  
8 E-mail: M.allen@allen-lawfirm.com  
9 FOR THE DEFENDANTS:  
10 Ms. Mary Quimby  
11 Assistant Attorney General  
12 General Litigation Division  
13 P.O. Box 12548, Capital Station  
14 Austin, Texas 78711  
15 Telephone: 512.463.2120 - Fax: 512.320.0667  
16 E-mail: Mary.Quimby@oag.texas.gov  
17 - and -  
18 Mr. Renaldo Stowers (Appearing Live)  
19 University of North Texas System  
20 Office of General Counsel  
21 801 North Texas Boulevard  
22 Denton, Texas 76201  
23 Telephone: 940.565.2717 - Fax: 940.369.7026  
24 E-mail: Renaldo.Stowers@untssystem.edu  
25 ALSO PRESENT:  
Mr. Timothy Jackson, Plaintiff  
VIDEOGRAPHER:  
Mr. Jason Warner  
Legal Video Group  
lvj.dallas@gmail.com  
214-598-5229

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24 4

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Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24  
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1 Is it at all controversial in music history

2 that hip-hop originated as an African American musical

3 art form?

4 A. I don't know.

5 Q. And is it at all controversial in the history

6 of music as you understand it, that rap originated as an

7 African American art form?

8 A. I don't know.

9 Q. And you claim to be a historian of music,

10 right?

11 MS. QUIMBY: Objection, form.

12 A. Of Eighteenth-Century music, so like Bach to

13 Beethoven, like 1700 to 1804. But my current book goes

14 up to 1820.

15 Q. I understand. So you just have no knowledge

16 of, say, Twentieth-Century musical art forms in the

17 United States?

18 A. Not on the level of detail that I would feel

19 comfortable talking about in like an expert kind of way.

20 I mean, I could teach some things, but I -- no, hum-um.

21 Q. Uh-hum.

22 A. I stick to my expertise.

23 (Deposition Exhibit Number 3 marked.)

24 MR. ALLEN: I'm going to introduce as

25 Exhibit 3. This is a report. I'm just going to

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24  
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1 represent to you that this is a report that came out in

2 November of 2020. It was called the Ad Hoc Panel Report

3 about the Journal of Schenkerian Studies. It has this

4 Exhibit D and these -- this string of gobbledygook at

5 the top because it's been marked by the United States

6 District Court of the Eastern District of Texas.

7 This is the first page because it's been

8 introduced in court, but this is the actual title page to

9 the Ad Hoc Panel Report.

10 Q. Do you recognize this at all?

11 A. Not really.

12 Q. Okay. And I don't -- do you remember reading

13 the Ad Hoc Panel Report that came out in November of 2020

14 about the Journal of Schenkerian Studies?

15 A. I didn't read it.

16 Q. Okay. So there are various attachments

17 to the report at the end. And I just want to call your

18 attention to this one. One thing that's attached is

19 the statement of UNT faculty on Journal of Schenkerian

20 Studies. Do you see that? This is captioned in this

21 Exhibit 3 here.

22 A. Exhibit 4?

23 Q. Yes. There's a little bit of confusion.

24 A. Okay.

25 Q. And you're right to point this out.

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24  
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1 A. Okay.

2 Q. So this -- these are -- there are several

3 documents attached to the Ad Hoc Panel Report as

4 exhibits.

5 A. Okay.

6 Q. I'm introducing the whole thing as an exhibit

7 for the record as Exhibit 3.

8 A. Oh, okay, okay.

9 Q. Just to keep everything in one place.

10 A. Got it.

11 Q. I'll just tell you, this is an exhibit that's

12 been used in other depositions, so I'm trying to keep

13 things consistent.

14 A. Okay.

15 Q. One of the exhibits -- and you're perfectly

16 correct. There's an Exhibit 1, 2, 3, and so on, to the

17 Ad Hoc Panel Report. And one of those exhibits is,

18 indeed, marked Exhibit 4 to the Ad Hoc Panel Report.

19 "News from SEM: General News, Statement of

20 UNT Faculty on Journal of Schenkerian Studies."

21 Did I read that correctly?

22 A. Yes.

23 Q. And I believe your name is affixed to this

24 statement, right?

25 A. Yes.

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24  
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1 Q. Do you recognize this statement?

2 A. Yes.

3 Q. How -- let me strike that.

4 Explain what role you played in generating

5 this statement of the UNT faculty.

6 MS. QUIMBY: Objection, form.

7 A. You know, co-wrote it with colleagues.

8 Q. And you co-wrote it with colleagues in this end

9 of July time frame?

10 A. I guess so, yeah. Yes.

11 Q. About how long did it take to generate the

12 drafts to the finished product?

13 A. Well, if memory serves, at least several days.

14 It could have been as much as a week or so.

15 Q. Okay.

16 A. Several days, I guess.

17 Q. Um-hum. And do you recognize the other people

18 who have signed this document?

19 A. Yes.

20 Q. They're all colleagues of yours in the MHTE

21 program, right?

22 A. They were at the time. Some of them are no

23 longer there.

24 Q. Okay.

25 A. Yeah.

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1 A. Yeah, like he's the person we go to with  
 2 issues, so we don't bother the Dean. So he's just below  
 3 the Dean.  
 4 Q. If you would make that a title, I would think  
 5 it should be entered into national law.  
 6 A. Yeah.  
 7 Q. But we'll have to go with that.  
 8 And John, does this refer to John Richmond?  
 9 A. Yeah. I believe so, yeah.  
 10 Q. Okay. And do you have any memory of what  
 11 policy of the University of North Texas this comes from?  
 12 A. I don't. And so I guess I said Andrew and  
 13 Gillian provided it, so I don't know if they would  
 14 remember which like handbook or something it was pulled  
 15 from.  
 16 Q. Sure, um-hum. But it was definitely, as you  
 17 sit here today in your memory, as you remember things  
 18 today, an official policy of the University that you  
 19 were relying on there, right?  
 20 A. I can't say that I remember that today.  
 21 Q. Okay.  
 22 A. But I can read the email that's up here and  
 23 that it was from me.  
 24 MR. ALLEN: I'm going to introduce for the  
 25 record as Exhibit 5 one additional email, which I'm also

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24

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1 going to drop in the chat. Exhibit 5 is captioned  
 2 Faculty Statement on Journal of Schenkerian Studies.  
 3 (Deposition Exhibit Number 5 marked.)  
 4 Q. Did I read that correctly?  
 5 A. Yep.  
 6 Q. And this is sent from you to Dean Richmond on  
 7 July 30th, 2020?  
 8 A. Yes.  
 9 Q. And you write to Dean Richmond, "Thank you  
 10 for taking the time to speak with me yesterday and for  
 11 understanding our need to speak as individual faculty  
 12 members to our respective disciplines. I want to ask  
 13 explicitly whether our statement will violate UNT  
 14 Policy 06.035."  
 15 Did I read that right?  
 16 A. Yep.  
 17 Q. And what is UNT Policy 06.035?  
 18 A. I don't remember. I don't know the title of it  
 19 off the top of my head.  
 20 Q. And is this the same policy language that  
 21 you had quoted in the email thread that we looked at as  
 22 Exhibit 4?  
 23 A. Could you toggle back? Let me just read this  
 24 here.  
 25 Q. Oh, absolutely.

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1 A. Can you go back to the previous?  
 2 Q. Yep. Here is Exhibit 4.  
 3 A. It looks the same. It looks similar, yeah.  
 4 Q. And again, I'm not -- if there's a typo or  
 5 something, I'm not asking about that. But its origin  
 6 is from that same policy; is that accurate?  
 7 A. I'm not sure, because the policy number isn't  
 8 in the -- I don't know where Gillian and Andrew pulled  
 9 the policy language.  
 10 Q. Okay.  
 11 A. And they didn't -- the policy number wasn't  
 12 in that previous email. So like I don't know if it's  
 13 from like two different handbooks or -- I'm not sure on  
 14 the policy number.  
 15 Q. Okay. And do you know what Dean Richmond's  
 16 response was to this?  
 17 A. I don't. I don't even know if he responded.  
 18 Q. Okay. You remember that there were no  
 19 consequences to you personally for publishing the  
 20 faculty statement, right? Is that accurate?  
 21 A. I -- you're saying that there were not personal  
 22 consequences to this statement?  
 23 Q. Yes.  
 24 A. I feel like there's a lot of personal  
 25 consequences. I'm talking to you right now.

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24

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1 Q. Well, you understand --  
 2 A. I do understand.  
 3 Q. -- the faculty statement attacked my client --  
 4 A. No, it didn't. It questioned the policies --  
 5 Q. -- that resulted in the closure of the journal.  
 6 A. -- around the journal. You are  
 7 mischaracterizing that statement.  
 8 Q. No, I am not.  
 9 A. It doesn't mention Tim Jackson.  
 10 Q. I am not, ma'am.  
 11 A. Show me Tim Jackson's name.  
 12 Q. You make the statement --  
 13 A. Show me his name.  
 14 Q. All right. You make the statement -- are you  
 15 upset?  
 16 A. You asked me something personal, so I responded  
 17 personally. I was offended.  
 18 Q. Do you think the attacks on my client were very  
 19 personal?  
 20 A. I have no idea. I wasn't part of those.  
 21 Q. Did you ever ask my client if he felt  
 22 personally attacked?  
 23 A. He won't -- he doesn't speak to me.  
 24 Q. After you signed this statement, he doesn't  
 25 speak to you?

1 A. He's never spoken to me since then.  
2 Q. Does that surprise you?  
3 A. I don't know.  
4 Q. You signed a statement incorporating the  
5 students' statement which called for him to be fired,  
6 right?  
7 A. It did not incorporate the students' statement  
8 into our statement.  
9 Q. Did Timothy Jackson ever call for you to be  
10 fired, Dr. Geoffroy-Schwinden?  
11 A. No.  
12 Q. Did he ever call for you to be investigated?  
13 A. Yes. I mean, right here, right now, yes. I am  
14 being investigated by you with Tim right there.  
15 Q. Just to be clear, you're being sued for  
16 defamation. Is that clear with you?  
17 A. Yes. Is that what?  
18 Q. For making false statements about my client.  
19 That's what you're being sued for.  
20 A. I realize that that's what I'm being sued for,  
21 but it didn't happen.  
22 Q. What didn't happen?  
23 A. I did not make false statements about your  
24 client.  
25 Q. Were there consequences for you at the

1 University of North Texas from the administration for  
2 signing the faculty statement?  
3 MS. QUIMBY: Objection, form.  
4 A. Like what kind of consequence?  
5 Q. Were you placed under investigation, like my  
6 client was?  
7 MS. QUIMBY: Objection, form.  
8 A. I wasn't investigated for anything --  
9 Q. Thank you.  
10 A. -- that I'm aware of.  
11 Q. Good point.  
12 MR. ALLEN: All right. I want to  
13 introduce -- Madam Court Reporter, am I up to Exhibit 6?  
14 THE REPORTER: That's right.  
15 (Deposition Exhibit Number 6 marked.)  
16 MR. ALLEN: I'm going to introduce as  
17 Exhibit 6 into the record and also -- sorry about that --  
18 drop into the chat an email of July 29th, 2020, captioned  
19 Journal of Schenkerian Studies, Geoffroy-Schwinden to  
20 Dean John Richmond.  
21 Q. Did I get the caption of the first email right?  
22 A. Sorry. Re: Journal of Schenkerian Studies,  
23 yes.  
24 Q. Um-hum. Here's the -- so just so you know,  
25 there's nothing on the second page, just like that other

1 email we looked at. This is the entirety of the message.  
2 All right. I'm just going to ask you to look at it.  
3 It's relatively brief. Let me know when you've had a  
4 chance to look at it.  
5 A. Okay.  
6 Q. So you're arranging a meeting with Dean  
7 Richmond on July 29th of 2020, right?  
8 A. A phone call, it looks like, maybe.  
9 Q. And did that -- did that phone meeting take  
10 place?  
11 A. I did talk to him on the phone.  
12 Q. What did you guys talk about?  
13 MS. QUIMBY: Objection, form.  
14 A. I asked -- I wanted to talk to him, I think,  
15 about the statement that we were working on.  
16 Q. Uh-huh. And what did you tell him about the  
17 statement you were working on?  
18 MS. QUIMBY: Objection, form.  
19 A. I don't remember -- I don't remember what  
20 I told him. I don't remember telling him anything  
21 specific about it.  
22 Q. Um-hum.  
23 A. To be honest, I remember one -- I don't  
24 remember what I said to him. I guess I was calling  
25 him because I just -- I don't know. I was trying to --

1 Q. Do you remember -- sorry, go ahead.  
2 A. No, I just -- I don't -- I don't remember  
3 what I said to him.  
4 Q. Do you remember what he said to you?  
5 MS. QUIMBY: Objection, form.  
6 A. I remember -- I think I remember one thing he  
7 said.  
8 Q. What did -- what did Dean John Richmond say  
9 to you on July 29th in this meeting?  
10 MS. QUIMBY: Objection, form.  
11 A. I remember him saying, "Don't proscribe."  
12 Q. Don't proscribe what? What did he mean by  
13 that?  
14 A. I don't know, because that's what he said.  
15 And you know how deans talk. They usually say some  
16 things, so that you don't know what they're saying, or  
17 maybe you don't know.  
18 Q. Maybe that could be a title of a dean, as  
19 well.  
20 A. Yeah.  
21 Q. Okay. So as you sit here today, you have no  
22 specific memory of what John Richmond said to you other  
23 than he said, "Don't proscribe"?  
24 A. That's my only memory, like specific memory  
25 from that conversation.



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1 (Zoom audio distortion)

2 Q. Is that right? I'm sorry. Did you hear my

3 question?

4 A. Oh, sorry. No.

5 Q. Yeah, I think the -- I think the internet

6 cut us out there.

7 I said you remember him saying, "Don't

8 proscribe." But as you sit here today, you don't

9 remember what he specifically meant by that. Is that

10 your testimony?

11 A. I'm not -- I'm not sure exactly what he

12 meant by that.

13 Q. Do you remember being not sure at the time in

14 July when he said that?

15 A. Yeah. I mean, like I said, I took it like

16 a kind of typical dean comment, where I'm like that

17 probably means like a lot of things.

18 Q. Okay.

19 THE WITNESS: Do you think we could take

20 another brief break? Because it's been another hour

21 about.

22 MR. ALLEN: Oh, sure. I was -- I was just

23 going to go -- I'll tell you what. Can I introduce one

24 more exhibit? And then I think this will bring this

25 chapter to a close.

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1 THE WITNESS: Okay.

2 MR. ALLEN: And I don't think it will take

3 long. Obviously, Professor Geoffroy-Schwinden, if it

4 gets too long in the tooth, I'll just call a break.

5 Okay?

6 THE WITNESS: Okay.

7 MR. ALLEN: But I think we can get through

8 this real quickly.

9 I'm going to mark for the record Exhibit 7,

10 which is very short.

11 (Deposition Exhibit Number 7 marked.)

12 Q. It's an MHTe individual faculty statement.

13 Geoffroy-Schwinden to Benjamin Brand on July 30th, 2020.

14 Did I read that correctly?

15 A. Yes, you did.

16 Q. And it has the UNT Bates stamp number UNT 417.

17 And it has an attachment, which is not part of this

18 exhibit, Individual MHTe Faculty Response.

19 Did I read that correctly?

20 A. Yes.

21 Q. So my question for you is, is this the

22 finalized Individual MHTe Faculty Response addressing

23 the Journal of Schenkerian Studies that was sent to your

24 division head, Benjamin Brand, on this day?

25 MS. QUIMBY: Objection, form.

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1 Q. Is there something unclear about my question?

2 MR. ALLEN: I don't know if -- I don't

3 know if I can hear her. Can other people hear the

4 witness?

5 MS. QUIMBY: I think she's just thinking.

6 MR. ALLEN: Oh, okay. I don't know what's

7 going on. Should we just take a break, Mary?

8 MS. QUIMBY: Can you -- okay. Yeah, I

9 think we may just need to take a break. I'm sorry.

10 MR. ALLEN: It seems like another

11 technical difficulty. So could we go off the record?

12 THE VIDEOGRAPHER: Off the record at 3:32.

13 (Recess taken)

14 THE VIDEOGRAPHER: On the record the 3:33.

15 MR. ALLEN: Sorry. Madam Court

16 Reporter, can you read the last question to the

17 witness?

18 Q. And you may have answered, but we couldn't hear

19 your answer.

20 A. That's okay.

21 Q. BY THE REPORTER:

22 QUESTION: So my question for you is,

23 is this the finalized Individual MHTe Faculty

24 Response addressing the Journal of Schenkerian

25 Studies that was sent to your division head,

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1 Benjamin Brand, on this day?

2 MS. QUIMBY: I renew my objection.

3 A. And I said I didn't know if it was -- I don't

4 know if it's the finalized version.

5 Q. You don't remember the document name you gave

6 to the final version?

7 MS. QUIMBY: Objection, form.

8 A. I don't remember the document name.

9 Q. Okay.

10 A. Like the file name. I don't remember.

11 Q. Yes. If there was a file in your papers named

12 Individual MHTe Faculty Response that was the last in

13 time of four drafts, would that be the final faculty

14 statement?

15 MS. QUIMBY: Objection, form.

16 A. I don't know. I don't remember how many

17 versions I had. I don't remember how many versions, how

18 many I had, how many like other people had, how many

19 Steve Friedson had. I'm not -- I just don't know based

20 on this email.

21 Q. So I'm just trying to authenticate when this

22 statement was sent to your department or division head,

23 I suppose. And I'm talking about in the form that we've

24 discussed embedded in Exhibit 3, which was the Ad Hoc

25 Panel Report. So do you remember sending this to your



1 place in any publication, especially in an academic  
 2 journal."  
 3 **Q.** Okay, right. And so racist discourse, maybe we  
 4 can agree, that's relatively vague and general, right?  
 5 **A.** What do you mean? How is racist discourse --  
 6 **Q.** I want to know. What is the -- what is the  
 7 racist discourse that is the epistemic center of Volume  
 8 12 of the Journal of Schenkerian Studies? Can you  
 9 identify that for me, please?  
 10 **A.** I can't. I don't have the journal issue in  
 11 front of me.  
 12 **Q.** And you don't remember what you meant by that  
 13 at the time when you signed this statement?  
 14 **A.** I don't understand what you're asking me for  
 15 here. So -- but the epistemic center of the journal  
 16 issue lies in a racist discourse. Okay. So...  
 17 **Q.** And then instead of saying as the one version  
 18 that preceded it had said, "We support our graduate  
 19 students," this statement now says, "We endorse the call  
 20 for action outlined in our student letter." Right?  
 21 **A.** That's what that clause says, yes.  
 22 **Q.** And, again, there's the link to the students'  
 23 letter, correct?  
 24 **A.** Yes.  
 25 **Q.** So the faculty moved from supporting to

1 endorsing, correct?  
 2 **A.** Not the letter. I mean, what do you mean?  
 3 Like, yes, the word switched from support to endorse.  
 4 **Q.** Okay.  
 5 **A.** But there are other revisions in that  
 6 paragraph, it appears.  
 7 **Q.** Then it says (as read) which asks the College  
 8 of Music publicly condemn -- ask that the public -- I'm  
 9 sorry.  
 10 **A.** That's okay.  
 11 **Q.** I'm going to read it from the top, just so we  
 12 get it cleanly into the record.  
 13 "We endorse the call for action outlined in  
 14 our students' letter" -- the URL follows -- "which asks  
 15 that the College of Music 'publicly condemn the issue and  
 16 release it freely online to the public' and 'provide a  
 17 full public account of the editorial and publication  
 18 process and its failures.' Responsible parties must" --  
 19 be appropriately -- "be held appropriately accountable."  
 20 Did I read that correctly?  
 21 **A.** Yeah, yeah.  
 22 **Q.** On a third try?  
 23 **A.** That's okay. It's late and it's Friday.  
 24 **Q.** Yes. Thank you.  
 25 So is it your testimony then, as I'm

1 gathering, that you believe this limits the endorsement  
 2 of the letter?  
 3 **A.** Yes.  
 4 **Q.** How does it limit the endorsement of the  
 5 letter?  
 6 **A.** I believe that that statement specifies what  
 7 part of the letter is endorsed.  
 8 **Q.** Does it say which -- only that part which asks?  
 9 It doesn't say that, right?  
 10 **A.** It says, "We endorse the call for action which  
 11 asks the College of Music to publicly condemn the issue  
 12 and release it freely online to the public and provide  
 13 a" -- public -- "full public account of the editorial  
 14 and publication process and its failures."  
 15 **Q.** And it's your -- it's your testimony today that  
 16 this "which asks" limits the entire endorsement?  
 17 **A.** Grammatically, it would appear so.  
 18 **Q.** Well, grammatically, it would appear that it  
 19 doesn't say only that part which asks, right? It doesn't  
 20 say only that part.  
 21 **A.** "Only" does not appear in that paragraph.  
 22 **Q.** Right. And it doesn't say we partially  
 23 endorse, right?  
 24 **A.** "Partially" does not appear in that paragraph.  
 25 **Q.** Okay. Do you recall any discussion among the

1 group of professors generating this statement about how  
 2 the group should limit its endorsement of the call for  
 3 action of the students?  
 4 **A.** I don't remember.  
 5 **Q.** I just want to go back now, and this will  
 6 probably be the last thing I need to talk about, the  
 7 famous Exhibit 3.  
 8 **A.** Okay.  
 9 **Q.** I just want -- I just want to walk us through  
 10 the student statement here. So this is the student  
 11 statement, which we've discussed before. What is the  
 12 call to action here?  
 13 MS. QUIMBY: Objection, form.  
 14 **Q.** Is that question unclear to you?  
 15 If we -- if we skip down to this statement, it  
 16 says, "We endorse the call for action outlined in our  
 17 students' letter."  
 18 Correct?  
 19 **A.** Yep. That's what that says.  
 20 **Q.** And this is the student letter that was linked  
 21 to that statement, correct?  
 22 **A.** Um-hum.  
 23 **Q.** So my question is, what is the call to action  
 24 that is referred to in the faculty statement?  
 25 MS. QUIMBY: Objection, form.

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1 A. To publicly condemn the issue and release it  
2 freely online to the public.

3 Q. Um-hum.

4 A. "Provide a full public account of the editorial  
5 and publication process and its failures."

6 That's -- those are the ones outlined in the  
7 faculty statement.

8 Q. This statement also calls on the University  
9 of North Texas and UNT College of Music to take other  
10 actions, right? It says so right here. And I'm  
11 referring to this sentence under paragraph enumerated  
12 number 2 on JACKSON 0226.

13 It says, "We also call on the University of  
14 North Texas and the UNT College of Music to take the  
15 following actions:"

16 Right?

17 A. It does say that, yes.

18 Q. And one of those is to dissolve the journal,  
19 right?

20 A. It says dissolve the journal, yep.

21 Q. Do you know if that, in fact, took place?

22 A. No, I don't.

23 Q. Has the Journal of Schenkerian Studies appeared  
24 since July of 2020?

25 A. I have no idea. Like I said, never read it,

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24

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1 still don't.

2 Q. Okay. Here's something about critically  
3 examining the culture of UNT and etc., etc.

4 And then under the paragraph number 3 on the  
5 second page of the student statement, it says, "Hold  
6 accountable every person responsible for the direction  
7 of the publication. This will involve recognizing both  
8 whistleblowers and those who failed to heed them in this  
9 process. This should also extend to investigating past  
10 bigoted behaviors by faculty and, by taking this into  
11 account, the discipline and potential removal of  
12 faculty who used the JSS platform to promote racism.  
13 Specifically, the actions of Dr. Jackson -- both past  
14 and present -- are particularly racist and unacceptable."

15 Did I read that correctly?

16 A. You did.

17 Q. Now, it's your testimony today that you never  
18 intended to endorse these statements?

19 A. No, I didn't -- I didn't -- no, I didn't  
20 endorse these statements.

21 Q. Even though the faculty statement endorses  
22 the students' statement, your testimony today is that --

23 A. I'm sorry, no. We did not endorse this whole  
24 statement, so you've just misstated my testimony today.

25 Q. No, no, no. I'm saying even though this

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24

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1 statement endorses the call for action outlined in the  
2 student letter, right?

3 A. It does not endorse the entire call for action.

4 Q. All right. Okay, then good.

5 A. It endorses the call to make it publicly  
6 available and -- do you want to repeat that again into  
7 the record, or are we good? Do you want me to finish  
8 it?

9 Q. No, no. I'm -- let me finish. And then if you  
10 disagree, maybe you can enlighten me. All right?

11 A. Okay. Sounds good.

12 Q. This faculty statement endorses the call for  
13 action outlined in the student letter.

14 So far, so good. And you are arguing that  
15 this subordinate clause, which asks that the College of  
16 Music publicly condemn the issue and release it freely  
17 online to the public and provide a full public account  
18 of the editorial and publication process and its  
19 failures, is only thing you endorse in that letter?

20 MS. QUIMBY: Objection, form.

21 Q. Is that your testimony today, that you don't  
22 endorse the other things, only these two things that you  
23 quoted?

24 A. That's what that sentence grammatically says.

25 Q. Even though it doesn't say exclusively or

Rebecca Geoffroy-Schwinden, Ph.D. 9/27/24

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1 anything limiting it to only these things, that's your  
2 testimony, right?

3 MS. QUIMBY: Objection, form.

4 A. I testified that the word "exclusively" does  
5 not appear in that sentence.

6 Q. And you don't -- sorry about that. I just  
7 clicked on it and made my Chrome browser blow up.

8 You agree that this embeds the letter by  
9 reference to this URL link, correct?

10 A. I agree that that -- yes, the URL link is  
11 there.

12 Q. So just the last couple of questions.

13 A. Um-hum.

14 Q. Can you identify any concrete actions, past  
15 or present, of Timothy Jackson that are particularly  
16 racist?

17 A. I would just say maybe some of the writing in  
18 the article.

19 Q. So his published speech basically, right?

20 MS. QUIMBY: Objection, form.

21 A. Sorry, wait. No. Sorry, what do you mean?

22 Q. Well, I asked if you can identify concrete  
23 specific actions of Dr. Jackson, either past or present,  
24 that are particularly racist.

25 A. I would just say some of the writing in the

1 I, REBECCA GEOFFREY-SCHWINDEN, Ph.D., have read the  
2 foregoing deposition and hereby affix my signature  
3 that same is true and correct, except as noted above.  
4  
5  
6 REBECCA GEOFFROY-SCHWINDEN, Ph.D.  
7  
8 THE STATE OF \_\_\_\_\_ )  
9 COUNTY OF \_\_\_\_\_ )  
10 Before me, \_\_\_\_\_, on this day  
11 personally appeared REBECCA GEOFFROY-SCHWINDEN, Ph.D.,  
12 known to me or proved to me on the oath of  
13 \_\_\_\_\_ or through \_\_\_\_\_ (description  
14 of identity card or other document) to be the person  
15 whose name is subscribed to the foregoing instrument  
16 and acknowledged to me that he/she executed the same  
17 for the purpose and consideration therein expressed.  
18  
19 Given under my hand and seal of office on this  
20 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
21  
22  
23 NOTARY PUBLIC IN AND FOR  
24 THE STATE OF \_\_\_\_\_  
25 My Commission Expires: \_\_\_\_\_

1 me by December 2, 2024;  
2 That pursuant to the information given to the  
3 deposition officer at the time said testimony was taken,  
4 the following includes all partes of record and the  
5 amount of time used by each party at the time of the  
6 deposition;  
7 Mr. Michael Thad Allen - 02 HRS: 34 MIN  
8 Attorney for the Plaintiff  
9 Ms. Mary Quimby - 00 HRS: 00 MIN  
10 Attorney for the Defendants  
11  
12 I further certify that I am neither counsel for,  
13 related to, nor employed by any of the parties or  
14 attorneys in the action in which this proceeding was  
15 taken, and further that I am not financially or  
16 otherwise interested in the outcome of the action.  
17 Certified to by me on this 29th day of October,  
18 2024.  
19  
20 Kim D. Carrell, CSR NO. 1184  
21 Date of Expiration: 7-31-26  
22  
23 JULIA WHALEY & ASSOCIATES, INC.  
24 2012 Vista Crest Drive  
25 Carrollton, Texas 75007-1640  
214-668-5578/Fax 972-236-6666  
26 Firm Registration No. 436  
27 Certification Expires 10-31-26  
28 Notary Comm. Expires 12-1-25

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1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, )  
5 )  
6 Plaintiff, )  
7 )  
8 vs. ) CASE NO. 4:21-CV-00033-ALM  
9 )  
10 LAURA WRIGHT, et al., )  
11 )  
12 Defendants. )  
13  
14  
15  
16 REPORTER'S CERTIFICATION OF  
17 ORAL DEPOSITION OF REBECCA GEOFFROY-SCHWINDEN, Ph.D.  
18 September 27, 2024  
19  
20  
21 I, KIM D. CARRELL, a Certified Shorthand Reporter  
22 in and for the State of Texas, hereby certify to the  
23 following:  
24 That the witness, REBECCA GEOFFROY-SCHWINDEN, Ph.D.,  
25 was duly sworn and that the transcript of the oral  
26 deposition is a true record of the testimony given by the  
27 witness;  
28 That the deposition transcript was duly submitted  
29 on October 30, 2024, to Ms. Mary Quimby, the attorney for  
30 the defendants, for examination, signature, and return to

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BENJAMIN S. GRAF, Ph.D. 09/23/2024 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, )  
5 Plaintiff, )  
6 vs. ) CASE NO. 4:21-CV-00033-ALM  
7 LAURA WRIGHT, et al., )  
8 Defendants. )

9 \*\*\*\*\*

10 VIDEOTAPED ORAL DEPOSITION OF  
11 BENJAMIN S. GRAF, Ph.D.  
12 September 23, 2024  
13 \*\*\*\*\*

14  
15 VIDEOTAPED ORAL DEPOSITION OF BENJAMIN S. GRAF,  
16 Ph.D., produced as a witness at the instance of the  
17 Plaintiff and duly sworn, was taken in the above-styled  
18 and numbered cause on the 23rd day of September, 2024,  
19 from 9:03 a.m. to 12:08 p.m., before Kim D. Carrell,  
20 Certified Shorthand Reporter in and for the State of  
21 Texas, reported by computerized stenotype machine at  
22 the University of North Texas System, 801 North Texas  
23 Boulevard, Gateway Suite #308, Denton, Texas, pursuant  
24 to the Federal Rules of Civil Procedure and the  
25 provisions stated on the record or attached hereto.

BENJAMIN S. GRAF, Ph.D. 09/23/2024 3

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BENJAMIN S. GRAF, Ph.D. 09/23/2024 2

1 APPEARANCES  
2  
3 FOR THE PLAINTIFF:  
4 Mr. Michael Thad Allen  
5 ALLEN LAW, LLC  
6 P.O. Box 404  
7 Quaker Hill, CT 06375  
8 Telephone: 860.772.4738  
9 Fax: 860.469.2783  
10 E-mail: M.allen@allen-lawfirm.com

11 FOR THE DEFENDANTS:  
12 Mr. Benjamin S. Walton  
13 Assistant Attorney General  
14 General Litigation Division  
15 P.O. Box 12548, Capital Station  
16 Austin, Texas 78711  
17 Telephone: 512.463.2120  
18 Fax: 512.320.0667  
19 E-mail: Benjamin.Walton@oag.texas.gov

20 - and -

21 Renaldo Stowers  
22 University of North Texas System  
23 Office of General Counsel  
24 801 North Texas Boulevard  
25 Denton, Texas 76201  
Telephone: 940.565.2717  
Fax: 940.369.7026  
E-mail: Renaldo.Stowers@untssystem.edu

26 ALSO PRESENT:

27 VIDEOGRAPHER:  
28 Mr. Tony McGough  
29 Legal Video Group  
30 lvg.dallas@gmail.com  
31 214-598-5229

BENJAMIN S. GRAF, Ph.D. 09/23/2024

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1 the Center of Schenkerian Studies and the Journal of  
2 Schenkerian Studies. What more context do you need,  
3 Professor Graf, to answer my question?  
4 **A.** I think it's hard to say what somebody else  
5 does on a day-to-day basis.  
6 **Q.** I'm talking about your direct experience.  
7 I'm not asking you to speculate. I'm asking you, based  
8 on your direct experience, knowing Jackson as closely as  
9 you did, can you identify any racist actions that the  
10 man committed?  
11 **A.** I don't -- I would have to go through and  
12 put myself in Dr. Jackson's shoes and read all of the  
13 messages and all of the communications and all of the  
14 correspondence. It's hard -- I can't -- I don't think  
15 that it's fair of me to put myself in Dr. Jackson's  
16 shoes and say, oh, he did something that was racist.  
17 I don't think that's fair of me to say.  
18 **Q.** It's not fair of you to say he did something  
19 racist?  
20 **A.** There are so many other things to clarify that  
21 are important clarifications.  
22 **Q.** So your answer is it is not fair to say that he  
23 did something racist?  
24 **A.** I think it depends on what your definition of  
25 racism is and how you contextualize certain actions and

1 certain statements.  
2 **Q.** So you can't give a clear answer to that  
3 question: Did Professor Jackson commit a racist action,  
4 to your knowledge?  
5 **A.** I would say that some people would consider the  
6 same action to be racist and somebody else consider that  
7 action to not be racist. I think that's --  
8 **Q.** I'm talking about you. I don't care what these  
9 other people think. I'm talking about you, Benjamin  
10 Graf, a defendant in a civil action. You realize you're  
11 being sued by the University -- excuse  
12 me, by my client, Dr. Jackson, right?  
13 **A.** Yes.  
14 **Q.** And the taxpayers provided you counsel,  
15 correct?  
16 **MR. WALTON:** Form. Excuse me. Object  
17 to form. You are free to respond, if you know.  
18 **A.** I think that's correct, to my knowledge.  
19 **Q.** Yes. And the Attorney General's Office is here  
20 defending you today, correct?  
21 **A.** That's correct. I know. Assistant Attorney  
22 General, right?  
23 **MR. WALTON:** You're free to respond to  
24 your knowledge.  
25 **A.** To my best of my knowledge, yes.

1 **Q.** So I'm not asking about other people and what  
2 they may have thought about Timothy Jackson. I'm asking  
3 about you, Professor Benjamin Graf, a Defendant in this  
4 civil action.  
5 As you sit here today, can you give me a clear  
6 answer to what you know Timothy Jackson, based on your  
7 direct experience, to have committed which you consider a  
8 racist action?  
9 **A.** You know, I think based on my understanding, my  
10 -- you know, my viewpoint or my opinion of racism, there  
11 could be some statements that could be considered racist.  
12 That's really all I can say.  
13 **Q.** And so all you can say is that he spoke from  
14 time to time in a way you considered racist?  
15 **A.** Some statements -- some statements could be  
16 considered racist by some people.  
17 **Q.** I'm not asking about other people, which  
18 I've already said. So again, I want you to focus and  
19 concentrate on you. All right?  
20 Enumerate the statements that you believe  
21 Timothy Jackson made that are racist.  
22 **A.** I can't enumerate specific statements.  
23 **MR. ALLEN:** Can we go off the record,  
24 please?  
25 **THE VIDEOGRAPHER:** We're off the record

1 at 9:46 a.m.  
2 (Recess taken)  
3 **THE VIDEOGRAPHER:** We're back on the  
4 record at 9:53 a.m.  
5 (Deposition Exhibit Number 1 marked.)  
6 (Deposition Exhibit Number 2 marked.)  
7 **Q.** Professor Graf, I've taken the trouble of  
8 marking two exhibits, Exhibit 1 and Exhibit 2, that are  
9 in front of you. Do you see those documents?  
10 **A.** Yes.  
11 **Q.** And I should have done Exhibit 1 earlier, and I  
12 apologize. Do you recognize Exhibit 1?  
13 **A.** It appears to be the re-notice of taking the  
14 deposition.  
15 **Q.** And it's the re-notice of taking your  
16 deposition, correct?  
17 **A.** Yes, to Benjamin Graf, in care of Benjamin  
18 Walton.  
19 **Q.** And is it accurate to say you've appeared to  
20 give live testimony today in response to this re-notice?  
21 **A.** Yes.  
22 **Q.** That's all the questions I have for Exhibit 1.  
23 And then I wanted to turn to Exhibit 2 that's  
24 marked -- or excuse me, that's captioned Center Review,  
25 Reporting Period: FY2013 to 2016, right?

121

1 CHANGES AND SIGNATURE

2 WITNESS: BENJAMIN S. GRAF, Ph.D.

3 DATE: 9-23-24

4 PAGE/LINE CHANGE REASON

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BENJAMIN S. GRAF, Ph.D. 09/23/2024

122

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4 I, BENJAMIN S. GRAF, have read the foregoing  
5 deposition and hereby affix my signature that same  
6 is true and correct, except as noted above.

7 \_\_\_\_\_

8 \_\_\_\_\_

BENJAMIN S. GRAF

9

10 THE STATE OF \_\_\_\_\_)

11 COUNTY OF \_\_\_\_\_)

12

13 Before me, \_\_\_\_\_, on this day  
14 personally appeared BENJAMIN S. GRAF, known to me or  
15 proved to me on the oath of \_\_\_\_\_ or  
16 through \_\_\_\_\_ (description of  
17 identity card or other document) to be the person whose  
18 name is subscribed to the foregoing instrument and  
19 acknowledged to me that he/she executed the same for  
20 the purpose and consideration therein expressed.

21 Given under my hand and seal of office on this  
22 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
23 \_\_\_\_\_

NOTARY PUBLIC IN AND FOR

24 THE STATE OF \_\_\_\_\_

25 My Commission Expires: \_\_\_\_\_

123

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF

3 SHERMAN DIVISION

4 TIMOTHY JACKSON, )

5 )

6 Plaintiff, )

7 )

8 vs. ) CASE NO. 4:21-CV-00033-ALM

9 )

10 LAURA WRIGHT, et al., )

11 )

12 Defendants. )

13

14 REPORTER'S CERTIFICATION OF

15 ORAL DEPOSITION OF BENJAMIN S. GRAF, Ph.D.

16 September 23, 2024

17

18 I, KIM D. CARRELL, a Certified Shorthand Reporter  
19 in and for the State of Texas, hereby certify to the  
20 following:

21 That the witness, BENJAMIN S. GRAF, was duly  
22 sworn and that the transcript of the oral deposition is  
23 a true record of the testimony given by the witness;

24 That the deposition transcript was duly submitted  
25 on October 21, 2024, to Mr. Benjamin Walton, the attorney  
for the witness, for examination, signature, and return to  
me by November 22, 2024, (30 days);

That pursuant to the information given to the  
deposition officer at the time said testimony was taken,  
the following includes all partes of record and the

BENJAMIN S. GRAF, Ph.D. 09/23/2024

124

1 amount of time used by each party at the time of the  
2 deposition;

3 Michael Thad Allen - 02 HRS: 37 MIN  
4 Benjamin Walton - 00 HRS: 00 MIN

5

FOR THE PLAINTIFF:

6 Mr. Michael Thad Allen  
7 ALLEN LAW, LLC  
8 P.O. Box 404  
9 Quaker Hill, CT 06375  
10 Telephone: 860.772.4738  
11 Fax: 860.469.2783  
12 E-mail: M.allen@allen-lawfirm.com

13

14 FOR THE DEFENDANTS:

15 Mr. Benjamin S. Walton  
16 Assistant Attorney General  
17 General Litigation Division  
18 P.O. Box 12548, Capital Station  
19 Austin, Texas 78711  
20 Telephone: 512.463.2120  
21 Fax: 512.320.0667  
22 E-mail: Benjamin.Walton@oag.texas.gov

23

- and -

24

25 Renaldo Stowers  
University of North Texas System  
Office of General Counsel  
801 North Texas Boulevard  
Denton, Texas 76201  
Telephone: 940.565.2717  
Fax: 940.369.7026  
E-mail: Renaldo.Stowers@untsystem.edu

I further certify that I am neither counsel for,  
related to, nor employed by any of the parties or  
attorneys in the action in which this proceeding was  
taken, and further that I am not financially or

*BENJAMIN S. GRAF, Ph.D.* 09/23/2024  
125

1 otherwise interested in the outcome of the action.  
2 Certified to by me on this 21st day of October,  
3 2024.

4  
5  
6  
7 Kim D. Carrell, CSR NO. 1184  
Date of Expiration: 7-31-26  
JULIA WHALEY & ASSOCIATES, INC.  
8 2012 Vista Crest Drive  
Carrollton, Texas 75007-1640  
9 214-668-5578/Fax 972-236-6666  
JulieTXCSR@gmail.com  
10 Firm registration No. 436  
Firm registration Expires 5-31-25

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Frank Heidelberg 5/19/21 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, )  
5 Plaintiff, )  
6 v. ) CASE NO.  
7 LAURA WRIGHT, et al, ) 4:21-cv-00033-ALM  
8 Defendants. )  
9 )  
10 )

11 ORAL DEPOSITION OF  
12 FRANK HEIDLBERGER  
13 MAY 19, 2021  
14 -----  
15  
16

17 ORAL DEPOSITION OF FRANK HEIDLBERGER, produced as a  
18 witness at the instance of the Plaintiff, and duly  
19 sworn, was taken in the above-styled and numbered cause  
20 on May 19, 2021, from 9:10 a.m. to 11:56 a.m., before  
21 Nita G. Cullen, CSR in and for the State of Texas,  
22 reported by machine shorthand, at the Law Offices of  
23 Cutler Smith, 12750 Merit Drive, Suite 1450, in the City  
24 of Dallas, County of Dallas, State of Texas, pursuant to  
25 the Federal Rules of Civil Procedure.

Frank Heidelberg 5/19/21 2

1 A P P E A R A N C E S

3 FOR THE PLAINTIFF:

4 MR. MICHAEL THAD ALLEN  
5 MS. SAMANTHA HARRIS  
6 ALLEN LAW, LLC  
7 P.O. Box 404  
8 Quaker Hill, Connecticut 06375  
9 860.772.4738  
10 860.469.2783 Fax  
11 m.allen@allen-lawfirm.com

9 FOR THE DEFENDANTS:

10 MR. MATT BOHUSLAV  
11 ASSISTANT ATTORNEY GENERAL  
12 GENERAL LITIGATION DIVISION  
13 ATTORNEY GENERAL OF TEXAS  
14 P.O. Box 12548, Capitol Station  
15 Austin, Texas 78711  
16 matthew.bohuslav@oag.texas.gov

14 AND

15 MR. RENALDO STOWERS  
16 SENIOR ASSOCIATE GENERAL COUNSEL  
17 UNIVERSITY OF NORTH TEXAS SYSTEM  
18 OFFICE OF GENERAL COUNSEL  
19 1155 Union Circle  
20 Denton, Texas 76203  
21 940.565.2717  
22 renaldo.stowers@untsystem.edu

20 ALSO PRESENT:

21 MR. TIMOTHY JACKSON  
22  
23  
24  
25

Frank Heidelberg 5/19/21 3

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12 EXHIBITS

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Frank Heidelberg 5/19/21

4

1 P R O C E E D I N G S

2 FRANK HEIDLBERGER,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. ALLEN:

6 Q. Mr. Heidelberg, my name is Michael Allen. I'm  
7 counsel to Timothy Jackson. Have you ever been deposed  
8 before, sir?

9 A. No.

10 Q. So, I'm just going to go over a few ground  
11 rules. This is a relatively formal conversation. A  
12 deposition, although it's taking place in a private  
13 office here, is actually an extension of the Court. The  
14 purpose of depositions is both to find out what you  
15 know, obviously, and also to find out what you would say  
16 at trial.

17 I'll start with a few preliminary  
18 questions. Is there anything that would prevent you  
19 from giving truthful testimony today?

20 A. No.

21 Q. Are you taking any medication that might affect  
22 your memory or ability to testify truthfully?

23 A. No.

24 Q. Are you ill in any way?

25 A. I have Type 1 diabetes, that might affect over



1 Q. (By Mr. Allen) Did you agree with the  
2 characterization presented in social media about Volume  
3 12 that it's articles were racist?  
4 A. I agreed to the extent that some sections of  
5 specific articles could be interpreted as racist, yes.  
6 Q. And could you identify, if you can remember,  
7 the explicitly racist statements in some of the  
8 articles? And here I'm quoting from your statement  
9 here, if you look down page -- the page marked UNT 503,  
10 in the middle of that paragraph, it says, "main points  
11 of criticism are the short response time for the call  
12 for papers, the inconsistent solicitation of responses,  
13 and the explicitly racist statements in some of the  
14 articles." So, I'm asking, what would you identify as  
15 the explicitly racist statements in some of the  
16 articles?  
17 MR. BOHUSLAV: I'm going to object to you  
18 asking him about a document. Could you show him the  
19 document, please --  
20 MR. ALLEN: He has the document.  
21 MR. BOHUSLAV: -- you're asking about the  
22 articles?  
23 MR. ALLEN: I asked him if he remembers  
24 which statements he's explicitly identifying. I  
25 understand your objection, and it's on the record.

1 A. I can name examples of racist statements, but  
2 I'm not saying in this -- in this text that there are  
3 racist statements in there. I'm saying that these are  
4 main points of criticism in the social media statements.  
5 So, I'm not explicitly agreeing with them. I see that  
6 this -- these points of criticism come up; among them,  
7 the criticism of racist statements.  
8 Q. (By Mr. Allen) And you did agree, however,  
9 that some of the articles had made racist statements. I  
10 believe you testified about that earlier, correct?  
11 A. The term "racist" is an inappropriate reduction  
12 of the problem here, and some statements were simply  
13 superficial. And from the perspective of implicit white  
14 supremacy, but not necessarily racist as against a  
15 certain person with a certain background, and that is  
16 maybe implicit of the author, the black music theorist  
17 Ewell.  
18 But more obvious, it is the appropriateness  
19 or inappropriateness of statements at stake here. And  
20 that was handled within a very wide range and often  
21 inappropriate range in some of the articles, with one  
22 exception, and that is, unfortunately, Dr. Jackson's  
23 article.  
24 When I read it -- sorry. I want to shorten  
25 the answer down here. The third third of the article,

1 roughly, it's a long article, and he put a lot of work  
2 into that. The third third of the article moves from  
3 the genre of a scholarly, well-researched article to an  
4 inappropriate, opinionated, editorial-like statement,  
5 using words like "the blacks", and I'm quoting here,  
6 that are not up to speed, in terms of cultural education  
7 with western music, and bringing in a whole complicated  
8 matter in that of black anti-Semitism, implying that  
9 Ewell has something to do with it, because why would it  
10 be in a response to Ewell's article?  
11 And that I thought was not well thought  
12 through, not substantiated by the quotes, even if he  
13 quotes some articles about -- including that Wikipedia,  
14 and should have been seriously edited by somebody  
15 involved in JSS.  
16 Q. Do you consider that part -- the last third of  
17 the article, I believe you referred to, right?  
18 A. Roughly.  
19 Q. Do you consider that last third racist?  
20 A. I consider it as written so that it can be  
21 interpreted as racist.  
22 Q. Have you -- in your personal experience with  
23 Timothy Jackson since approximately the year 2000, I  
24 believe, do you have any direct experience of him being  
25 a racist?

1 A. I think you asked that before, and my clear  
2 answer was no.  
3 Q. Can I ask, what was the intended effect of  
4 sending these statements to Dr. Benjamin Brand?  
5 A. Dr. Brand often refers to me as an advisor, as  
6 a senior advisor with difficult decisions to make, and  
7 here I took the initiative to send him some ideas that  
8 might come up in an upcoming discourse. It was just  
9 meant privately and confidentially, as it is shown in  
10 that sense, never that it is published.  
11 I wrote this down in five minutes. I had  
12 other things to do, but I saw the Facebook thing that --  
13 the avalanche of trouble coming towards us. And I said,  
14 hey, do something. This is just a summary, take it or  
15 dump it, and, you know, that's all.  
16 Q. In your experience at UNT, has there ever been  
17 a time before where the department was forced or  
18 decided -- strike that, please.  
19 Was there ever a time before at UNT, in  
20 your experience, where the department decided to take  
21 action, purely based on social media reactions to what a  
22 scholar had written?  
23 MR. BOHUSLAV: Objection, assumes facts  
24 not in evidence.  
25 A. I'm not aware of any.

1 Professor Heidelberg, I've shown you Exhibit 32.

2 Do you have your own copy?

3 MR. ALLEN: I do, but if you would  
4 characterize the exhibit to the Court, I think it would  
5 help us.

6 Q. (By Mr. Bohuslav) Okay. I'm showing you  
7 what's been marked as Exhibit 32. I'll represent to  
8 you, it's the faculty statement in July of 2020. Is  
9 that a fair characterization?

10 A. Yes.

11 Q. Okay. When you signed this document, in July  
12 of 2020, did you agree with all the statements it  
13 contains?

14 A. Yes.

15 Q. And to this day, do you continue to agree with  
16 all the statements in that document?

17 A. Yes.

18 MR. BOHUSLAV: Okay. I'll pass the  
19 witness.

20 MR. ALLEN: No further questions. We can  
21 close the deposition.

22 (DEPOSITION ADJOURNED AT 12:09 P.M.)  
23  
24  
25

1 be returned within 30 days from date of receipt of the  
2 transcript. If returned, the attached Changes and  
3 Signature Page contains any changes and the reasons  
4 therefor;

5 X was not requested by the deponent or a  
6 party before the completion of the deposition.

7 I further certify that I am neither attorney  
8 or counsel for, nor related to or employed by, any of the  
9 parties or attorneys to the action in which this  
10 deposition was taken.

11 Further, I am not a relative or employee of any  
12 attorney of record in this case, nor am I financially  
13 interested in the outcome of the action.

14 Subscribed and sworn to on this 17th day of  
15 June, 2021.  
16  
17

NITA G. CULLEN, Texas CSR #1563

Expiration Date: 08-31-2022

JULIA WHALEY & ASSOCIATES

Firm Registration No. 436

2012 Vista Crest Drive

Carrollton, Texas 75007-1640

214.668.5578  
21  
22  
23  
24  
25

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS

3 SHERMAN DIVISION

4 TIMOTHY JACKSON, )

5 )

6 Plaintiff, )

7 ) Case No.

8 v. )

9 ) 4:21-cv-00033-ALM

10 LAURA WRIGHT, et al, )

11 )

12 Defendants. )  
13  
14

15 -----  
16 DEPOSITION CERTIFICATE  
17 FRANK HEIDLBERGER  
18 MAY 19, 2021  
19 -----  
20  
21  
22  
23  
24  
25

1 I, Nita G. Cullen, Certified Shorthand Reporter in  
2 and for the State of Texas, hereby certify to the  
3 following:

4 That the witness, FRANK HEIDLBERGER, was duly sworn  
5 by the officer and that the transcript of the oral  
6 deposition is a true record of the testimony given by  
7 the witness;

8 I further certify that pursuant to FRCP Rule  
9 30(f)(1) that the signature of the deponent:

10 \_\_\_\_\_ was requested by the deponent or a  
11 party before the completion of the deposition and is to

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

TIMOTHY JACKSON,	§	
	§	
Plaintiff,	§	
	§	Civil Action No.
VS.	§	
	§	4:21-cv-00033-ALM
LAURA WRIGHT, et al.,	§	
	§	
Defendants.	§	
	§	

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF

TIMOTHY JACKSON, Ph.D.

SEPTEMBER 24, 2024

\*\*\*\*\*

The Oral and Videotaped Deposition of  
TIMOTHY JACKSON, Ph.D., produced as a witness at the  
instance of the defendants, and duly sworn, was taken in  
the above-styled and numbered cause on SEPTEMBER 24,  
2024, from 9:07 a.m. to 6:22 p.m., before Nicole A.  
Hatler, CSR No. 11275 in and for the State of Texas,  
reported by machine shorthand, at the University of  
North Texas System, 801 North Texas Blvd, Gateway Suite  
308, Denton, TX 76201.

---oOo---

<p>195</p> <p>1 thought about it, the more I thought that in the -- in</p> <p>2 the speaking of -- in the spirit of dialectics, which I</p> <p>3 consider essential for all serious scholarship, there</p> <p>4 should be pros and cons.</p> <p>5 So I thought that it wasn't be great if I</p> <p>6 just contacted the cons, but that we would send out a</p> <p>7 general call for contributions to the symposium, and</p> <p>8 that would enable people who were in favor of Ewell's</p> <p>9 talk and his points and his point of view, and that we</p> <p>10 would publish both without censorship and let the public</p> <p>11 decide. Because I'm of the view more speech is better</p> <p>12 is the way to get to the truth, not censoring people.</p> <p>13 Q. And how was it determined whether those</p> <p>14 responses would or would not be peer reviewed?</p> <p>15 A. Well, we -- we weren't -- you see, we were</p> <p>16 asking for people to respond in a sense of not writing</p> <p>17 an article about it -- not writing a peer reviewed</p> <p>18 article about it, but just expressing their opinions</p> <p>19 about Ewell's thesis because it was really quite</p> <p>20 controversial, and that was the spirit of the call.</p> <p>21 Q. I see.</p> <p>22 Do you recall having any conversations with</p> <p>23 Mr. Walls about whether these responses would be peer</p> <p>24 reviewed?</p> <p>25 A. No.</p>	<p>197</p> <p>1 but also -- yeah, as neutral and properly focused as</p> <p>2 possible. So that it would attract pros and cons.</p> <p>3 Q. Do you recall any specific edits or suggestions</p> <p>4 that you suggested that call that were not incorporated?</p> <p>5 A. I think there was a few, but you know what? I</p> <p>6 wasn't going to quibble about it.</p> <p>7 Q. Do you recall what they were?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 A. We just -- I just -- I remember saying to</p> <p>11 myself, well, maybe this isn't quite what we should do,</p> <p>12 but let's let it go. Let -- let -- let the chips fall</p> <p>13 where they may.</p> <p>14 Q. Had you discussed the idea of publishing</p> <p>15 responses to Ewell's address with any Schenkerian</p> <p>16 scholars before that call went out?</p> <p>17 A. Yes.</p> <p>18 Q. Who had you discussed it with?</p> <p>19 A. Oh, a whole bunch of people. A whole group of</p> <p>20 scholars.</p> <p>21 Q. And was that through one-on-one contact with</p> <p>22 them --</p> <p>23 A. Yes.</p> <p>24 Q. -- or was it through a group communication?</p> <p>25 A. No, it was through one-on-one.</p>
<p>196</p> <p>1 Q. Okay. Do you recall Dr. Slottow ever</p> <p>2 mentioning the idea of peer reviewing them?</p> <p>3 A. No.</p> <p>4 Q. Who -- when you refer to the call, are you</p> <p>5 referring to the written call for submissions that was</p> <p>6 sent out through the SMT list serve?</p> <p>7 A. Yes.</p> <p>8 Q. Who drafted that call?</p> <p>9 A. Not me. It was drafted I think by other</p> <p>10 people. Probably by Ben Graf and Levy Walls, and</p> <p>11 maybe -- we had input in it. We -- we they began with</p> <p>12 the draft, and then Dr. Slottow and I gave our two cents</p> <p>13 worth. I don't believe they took all of our</p> <p>14 suggestions, but they basically sent it out having</p> <p>15 absorbed some thoughts from us and from other faculty,</p> <p>16 actually.</p> <p>17 I -- I wanted to -- because I knew this</p> <p>18 would be controversial, although I never had any inkling</p> <p>19 of how controversy it would be, I wanted to consult all</p> <p>20 the faculty in the music theory area who had any</p> <p>21 experience with Schenkerian analysis. And so I asked</p> <p>22 Diego Cubero and Olga, who calls herself Ellen,</p> <p>23 Velikanova for their input. And also we asked some</p> <p>24 other people in the faculty for their input into the</p> <p>25 call and how to frame it so that it would be as neutral</p>	<p>198</p> <p>1 Q. And did --</p> <p>2 A. And, you see, what happened was that -- that</p> <p>3 was the initial plan, was to, in fact, ask the</p> <p>4 Schenkerian scholars what they thought. And then I --</p> <p>5 in the course of doing that, I recognized that that was</p> <p>6 unfair. I thought that was unfair. So that's when I</p> <p>7 felt that we should really branch out and -- and issue</p> <p>8 the call through the SMT for all sundry to respond.</p> <p>9 Q. Before the SMT call went out, had you discussed</p> <p>10 this idea of responses with anyone who was sympathetic?</p> <p>11 A. I don't know who was sympathetic exactly,</p> <p>12 really. I didn't have any idea, and I still don't</p> <p>13 because not all the Schenkerians that I contacted wanted</p> <p>14 to submit responses. So some of them may well be</p> <p>15 sympathetic.</p> <p>16 Q. You just don't know?</p> <p>17 A. I can guess a few of them, but I'm not sure.</p> <p>18 But they declined.</p> <p>19 Q. So you don't know what their response would</p> <p>20 have been had they agreed to write one?</p> <p>21 A. I'm not a prophet. No.</p> <p>22 Q. All right.</p> <p>23 A. But once we decided to go with the call, I felt</p> <p>24 very comfortable about the whole thing because I thought</p> <p>25 it was fair. In other words, I thought that once we had</p>

<p style="text-align: right;">219</p> <p>1 A. Yeah.</p> <p>2 Q. And what did you find?</p> <p>3 A. I found all kinds of statements about me that I</p> <p>4 thought were incorrect.</p> <p>5 Q. Statements by other student besides Rachel</p> <p>6 Gain?</p> <p>7 A. Right.</p> <p>8 Q. And -- and did you not sue those other</p> <p>9 students?</p> <p>10 A. I think that the feeling was that they were not</p> <p>11 quite as complicit in disseminating the -- the petition</p> <p>12 or the essence of these documents as she was. I felt</p> <p>13 that she really did take a leading role in that.</p> <p>14 Q. Are there any -- are there any statements</p> <p>15 that -- that Rachel Gain either made or disseminated</p> <p>16 that you felt were defamatory other than what we have</p> <p>17 here as Exhibit 1?</p> <p>18 MR. ALLEN: Objection.</p> <p>19 THE WITNESS: Yeah.</p> <p>20 Q. BY MR. WALTON: Can you describe what</p> <p>21 statements Rachel Gain made that you're suing her for?</p> <p>22 A. The statements that she made -- well, I'm</p> <p>23 talking about these statement that were disseminated by</p> <p>24 Rachel Gain, okay. But there are other statements that</p> <p>25 she made that were disseminated online that were not</p>	<p style="text-align: right;">221</p> <p>1 Q. In Exhibit 1 -- I'm sure there's a lot of stuff</p> <p>2 in here that you disagree with, but what -- what do you</p> <p>3 believe in Exhibit 1 constitutes defamation against you?</p> <p>4 MR. ALLEN: Objection.</p> <p>5 THE WITNESS: So I would say that there are</p> <p>6 different degrees and types of defamation. There are</p> <p>7 just statements here which are plain false but just</p> <p>8 untrue. And then there are statements which are</p> <p>9 interpretive of what I wrote or I would consider</p> <p>10 misinterpretive of what I and other people wrote, and</p> <p>11 deliberately so.</p> <p>12 So there are different levels, let's say,</p> <p>13 of defamation here. There are some where I -- where</p> <p>14 they impute to me false statements -- or they're</p> <p>15 false -- factually false statements about me. I can</p> <p>16 give you some examples, if you want.</p> <p>17 Q. BY MR. WALTON: Sure. Let's just -- is there</p> <p>18 anything in the -- in the opening two paragraphs that</p> <p>19 you believe is defamatory?</p> <p>20 A. Yes.</p> <p>21 Q. What do you believe is defamatory?</p> <p>22 A. Okay. So recent perpetuation of anti-black</p> <p>23 racism. Where -- I'm trying to figure out what that</p> <p>24 refers to.</p> <p>25 If I might answer you this way, my article</p>
<p style="text-align: right;">220</p> <p>1 only defamatory, but also insulting.</p> <p>2 Q. Can you describe for the jury what statements</p> <p>3 that Rachel Gain -- what statements you're suing her for</p> <p>4 making?</p> <p>5 MR. ALLEN: Objection.</p> <p>6 THE WITNESS: I'm suing her for</p> <p>7 disseminating the statements that are contained in the</p> <p>8 petition, this being a kind of petition. Okay.</p> <p>9 Q. BY MR. WALTON: I see.</p> <p>10 A. Along with the faculty who endorsed that</p> <p>11 petition. So it's really a double whammy.</p> <p>12 Q. Who -- who sent you information about Rachel</p> <p>13 Gain's statements?</p> <p>14 A. Various colleagues.</p> <p>15 Q. Did any of them indicate that they agreed with</p> <p>16 what she's saying?</p> <p>17 A. No. They were astonished.</p> <p>18 Q. Are you aware of anyone else that has reshared</p> <p>19 Rachel Gain's comments online?</p> <p>20 A. I believe so. There are people who have</p> <p>21 reshared all that.</p> <p>22 Q. And why did you not also sue them?</p> <p>23 A. Because I didn't -- as I said before, I didn't</p> <p>24 feel that they had played a crucial role in the initial</p> <p>25 dissemination of these allegations.</p>	<p style="text-align: right;">222</p> <p>1 was read by the most distinguished black music theorist</p> <p>2 in this country, Cofegawa, who Ewell cites on a number</p> <p>3 of occasions. And I have a letter from him stating that</p> <p>4 he read my article and found nothing objectionable in</p> <p>5 it. So I consider that statement, "perpetuation of</p> <p>6 anti-black racism," to be false.</p> <p>7 Q. Did you --</p> <p>8 A. Can I continue a little bit or not?</p> <p>9 Q. In just a moment. I just -- did you interpret</p> <p>10 this statement to be regarding your article in the</p> <p>11 symposium?</p> <p>12 A. Not just mine, but all -- all the negative</p> <p>13 ones -- let's say all those critical of Professor Ewell.</p> <p>14 I don't see how that, necessarily -- a criticism of</p> <p>15 another scholar's work, black or white, constitutes</p> <p>16 anti-black racism.</p> <p>17 Q. So just to step back for a moment, if someone</p> <p>18 believes that something is racist, are they -- are they</p> <p>19 free to say so?</p> <p>20 A. I suppose they can. There's no law that says</p> <p>21 they can't, right. But when they assert something as a</p> <p>22 fact that may not be a fact or isn't a fact, then it</p> <p>23 becomes -- it can add up. Like there's a lot of things</p> <p>24 here that can add up to defamation.</p> <p>25 Q. Is -- if -- if Rachel Gain had believed that</p>

<p style="text-align: right;">243</p> <p>1 Rachel Gain said that you believe was defamatory that  2 was different from what we've talked about already?  3 A. Not really.  4 Q. Okay.  5 A. I would have to go through all of the many  6 e-mails that have been provided to the court and also  7 the Twitter feeds and Facebook statements. There's  8 other statements, but I don't carry those all around in  9 my head.  10 Q. Nothing stands out to you in your memory right  11 now?  12 A. Right now, no, but there's quite a bit here any  13 way.  14 Q. Dr. Jackson, I'm going to share with you what's  15 been marked as Exhibit 2.  16 (Exhibit 2 was marked for identification.)  17 Q. BY MR. WALTON: It's -- for a second time, it's  18 my understanding that this is a copy of the statement  19 that was released by certain faculty members within the  20 college and music.  21 Is that your understanding?  22 A. Correct.  23 Q. Do you believe that anything in this statement  24 is defamatory against you?  25 A. I do.</p>	<p style="text-align: right;">245</p> <p>1 deposition. And I know --  2 A. But this is not the document either.  3 Q. I understand. We'll get there. This --  4 this -- the cover page here is the report produced by  5 the ad hoc review panel.  6 A. Right.  7 Q. I'm going to ask you to turn to the page number  8 at the bottom right-hand corner --  9 A. Right.  10 Q. -- that says UNT 00189.  11 A. Right.  12 Q. And it continues on to 190.  13 A. Right.  14 Q. This is marked as Exhibit 3 that was attached  15 to that panel report. Is this the document that you  16 believe was linked by this URL in the faculty statement?  17 A. I believe it was, yes.  18 Q. Okay. So what is your understanding then of  19 the call for action that the faculty statement is  20 referring to?  21 A. I believe it's Exhibit 3.  22 Q. Is there any -- is there any part of this  23 Exhibit 3 that you believe constitutes a call for  24 action?  25 A. Well, it's not labeled that here, but I believe</p>
<p style="text-align: right;">244</p> <p>1 Q. What?  2 A. So the problem here is we endorse the call for  3 action outlined in our student's letter, and then the --  4 the address is given to the statements that the student  5 generated. So when you endorse something, you endorse  6 it. So that means that you agree with it and that you  7 undersign it, so to speak. That's what endorsement  8 means.  9 Q. That's what you believe endorsement means?  10 A. It's not what I believe it means. It's what it  11 means. To endorse a statement is to affix your seal of  12 approval to that statement.  13 Q. Now, this -- these words here say "we enforce  14 the call for action."  15 What is your understanding of the call for  16 action?  17 A. So that was the version of -- it's not the same  18 thing as this letter here.  19 Q. I see.  20 A. It's a different document.  21 Q. Let me see if we can figure out what that  22 document is.  23 (Exhibit 3 was marked for identification.)  24 Q. BY MR. WALTON: There we go. I'm going to hand  25 you what has been marked as Exhibit 3 to your</p>	<p style="text-align: right;">246</p> <p>1 that's what they're referring to, unless I've confused  2 the different variants of these documents.  3 Q. Okay. You can go back to our Exhibit 2, the  4 faculty statement --  5 A. Right.  6 Q. -- for just a moment.  7 Other than the sentence that you described,  8 is there any other statement in -- within this statement  9 that you believe is a false statement of fact?  10 A. Yes.  11 Q. What?  12 A. "A set of responses to Dr. Philip Ewell's  13 plenary lecture at the 2019 society for music theory  14 annual meeting is" replete -- "replete with racial  15 stereotyping and tropes."  16 I disagree. I think it's false.  17 Q. If someone were to believe that there is  18 content within the symposium that constituted a racial  19 stereotype, should they be allowed to express that  20 opinion?  21 MR. ALLEN: Objection.  22 THE WITNESS: I think they should. But can  23 I add one thing or not?  24 Q. BY MR. WALTON: Well, I have one more follow-up  25 question to that.</p>



<p>263</p> <p>1 student statement that I believe you testified you</p> <p>2 believe this may have been the statement that Rachel</p> <p>3 Gain was disseminating in some form?</p> <p>4 A. And it was then disseminated here.</p> <p>5 Q. Okay. Is there -- is there anything in this</p> <p>6 statement that you feel is a false statement of fact</p> <p>7 that is not contained in the examples we already talked</p> <p>8 about?</p> <p>9 A. All right. That wasn't already in an earlier</p> <p>10 stage?</p> <p>11 Q. That's right. That we haven't already</p> <p>12 discussed based on another document.</p> <p>13 A. All right. Well, where it says "we would like</p> <p>14 to make it clear that the JSS is not a graduate student</p> <p>15 journal," I think that's only true in terms of the later</p> <p>16 version of it, when Dr. Graf was made the editor. You</p> <p>17 see, because he was no longer a student when Dr. Graf</p> <p>18 was made the editor. So that was true, but before that,</p> <p>19 it's false.</p> <p>20 Q. So do you believe that this statement was</p> <p>21 defamatory against you?</p> <p>22 A. I'm not sure that it's defamatory against me,</p> <p>23 but it's not true.</p> <p>24 Q. Okay.</p> <p>25 A. Or let's put it this way. It needed</p>	<p>265</p> <p>1 All right. So clear lack of academic</p> <p>2 rigor. So because of the horrendous lack of peer review</p> <p>3 publication of anonymous response and clear lack of</p> <p>4 academic rigor, this issue of JSS should release an</p> <p>5 apology, blah, blah, blah.</p> <p>6 Lack of academic rigor. Well, then you</p> <p>7 would have to say the same about Ewell's publication in</p> <p>8 Spectrum. It wasn't peer reviewed either. And you'd</p> <p>9 have to say the say thing about his presentation in the</p> <p>10 SMT. It wasn't peer reviewed either. So you'd have to</p> <p>11 say the same thing about those journals and</p> <p>12 presentations.</p> <p>13 Q. So do you believe this statement is false or</p> <p>14 merely unfair to only apply to the volume 12?</p> <p>15 A. Well, I think that the demand is -- to publicly</p> <p>16 condemn the issue is based on a false -- is a false</p> <p>17 statement about academic rigor because the journal</p> <p>18 proceeded in the same way that the so-called industry</p> <p>19 standard journal proceeded in this very case.</p> <p>20 Q. Are there any other statements in this document</p> <p>21 that you believe are false that are above and beyond</p> <p>22 doubt the statements we've already looked at?</p> <p>23 A. Well, under point one at the bottom of the</p> <p>24 page --</p> <p>25 Q. Yes.</p>
<p>264</p> <p>1 qualification.</p> <p>2 Q. Sure.</p> <p>3 A. It was only true for a short time.</p> <p>4 Q. Are there any other false statements in here</p> <p>5 that --</p> <p>6 A. So -- yes. So "Many of us recently discovered</p> <p>7 the journal is presented as a graduate student run in</p> <p>8 some context. In fact, there is little student</p> <p>9 involvement beyond copy editing, and students have</p> <p>10 absolutely no say in the context of JSS."</p> <p>11 False. Students did have a lot of say. In</p> <p>12 fact, up until quite recently, they were making the</p> <p>13 decisions, really. We weren't micromanaging as you</p> <p>14 know, as I already told you.</p> <p>15 Q. Do you believe that this false statement was</p> <p>16 defamatory against you?</p> <p>17 A. It is slightly so because we did not determine</p> <p>18 the content of the articles that were published. We</p> <p>19 advised the students, but we did not determine it. That</p> <p>20 is why this statement is problematical.</p> <p>21 Q. Any other false statements in this version?</p> <p>22 A. So "Allowed faculty to platform racism in our</p> <p>23 name." That's only true if you accept that the -- that</p> <p>24 this issue of the journal did platform racism. But if</p> <p>25 it didn't, then that's not true.</p>	<p>266</p> <p>1 A. -- "The JSS has demonstrated that it does not</p> <p>2 meet the standards of a peer-reviewed publication." No,</p> <p>3 the JSS did not demonstrate that. That's not an</p> <p>4 argument that the JSS made. That's false.</p> <p>5 Q. All right. Any other false statements in here?</p> <p>6 A. No. The rest are already --</p> <p>7 Q. Okay.</p> <p>8 A. -- we've already covered them.</p> <p>9 Let's look at the last page. Sorry.</p> <p>10 Q. Of course. Of course.</p> <p>11 A. Go to page 190. "UNT has gained a reputation</p> <p>12 as an institution with a toxic culture when it comes to</p> <p>13 issues of race, gender, and other aspects of diversity."</p> <p>14 I think that's false.</p> <p>15 Q. Are you aware of the reputation that UNT has on</p> <p>16 social media?</p> <p>17 A. Well, I don't know, but I have to say that I</p> <p>18 don't -- I don't -- I've never heard that UNT has a</p> <p>19 reputation as an institution with a toxic culture. No</p> <p>20 one's ever told me that. I have no evidence for that.</p> <p>21 I don't -- I don't know if it's true or false, but I</p> <p>22 somehow doubt it.</p> <p>23 Q. Any other false statements here?</p> <p>24 A. So not beyond what we already talked about.</p> <p>25 But the past bigoted behavior by faculty, and then we</p>

<p style="text-align: right;">267</p> <p>1 have the -- specifically the actions Dr. Jackson, both</p> <p>2 past and present, are particularly racist and</p> <p>3 unacceptable. So I'd like to know what actions -- I</p> <p>4 believe this to be a false statement because there are</p> <p>5 no actions, past or present, that are racist and</p> <p>6 unacceptable.</p> <p>7 Q. And you would have the same contentions about</p> <p>8 these statements as you had about the --</p> <p>9 A. Previous --</p> <p>10 Q. -- statements in Exhibit 1?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Anything else on this page?</p> <p>13 A. I'm trying to determine -- well, the last</p> <p>14 penultimate sentence, "We will strive to change the</p> <p>15 toxic culture at UNT." I don't know that -- I don't</p> <p>16 agree that there is a toxic culture at UNT. I think</p> <p>17 that's a false charge.</p> <p>18 I believe that -- I've never seen any --</p> <p>19 any action, past or present, by any faculty member</p> <p>20 against any student of color within my department. I</p> <p>21 have never heard any racist statements against black</p> <p>22 people, against Hispanics, against Asians, against Jews</p> <p>23 from any member of the faculty or from any student, for</p> <p>24 that matter. So I challenge that statement. I do not</p> <p>25 believe it to be true. I believe it to be false.</p>	<p style="text-align: right;">269</p> <p>1 time of July 2020.</p> <p>2 Is that consistent with your understanding?</p> <p>3 A. Yes.</p> <p>4 Q. As of -- well, has any of those individuals</p> <p>5 ever called you a racist?</p> <p>6 A. Only through the endorsement of the document,</p> <p>7 but that's enough. In my opinion, if you endorse a</p> <p>8 document that state somebody is a racist, that means</p> <p>9 you, personally, endorse that document.</p> <p>10 Q. I think we're getting close here. I have one</p> <p>11 more -- oops, there we go -- exhibit for you.</p> <p>12 (Exhibit 4 was marked for identification.)</p> <p>13 MR. ALLEN: What am I marking? I'm sorry.</p> <p>14 Up to --</p> <p>15 MR. WALTON: We are marking as Exhibit 4.</p> <p>16 MR. ALLEN: Thanks.</p> <p>17 MR. WALTON: I'm handing this to the</p> <p>18 witness.</p> <p>19 Q. BY MR. WALTON: And I apologize. It's not a</p> <p>20 Bates numbered copy. But, Dr. Jackson, it's my</p> <p>21 understanding that this is a copy of your response that</p> <p>22 appeared in volume 12 of the JSS. If you want to take a</p> <p>23 quick minute to verify that, that's perfectly fine.</p> <p>24 A. Uh-huh.</p> <p>25 Q. Does this appear to be a copy of your article?</p>
<p style="text-align: right;">268</p> <p>1 Q. And for the record, similar to some of the</p> <p>2 questions that I asked you earlier, with regard to this</p> <p>3 statement, if there was a student that believed the</p> <p>4 culture at UNT was toxic, would you agree that the</p> <p>5 student should be able to express that opinion?</p> <p>6 MR. ALLEN: Objection.</p> <p>7 THE WITNESS: I would agree that the</p> <p>8 student should object or express the objection, but that</p> <p>9 the student should bring concrete evidence of, let's</p> <p>10 say, actions. This -- this says the actions of Dr.</p> <p>11 Jackson are both -- past and present, are particularly</p> <p>12 racist and unacceptable.</p> <p>13 Which actions did I take against students</p> <p>14 that were racist? For me, that implies -- saying, you</p> <p>15 know, that -- making statements against students who</p> <p>16 were on the basis of race or taking any kind of adverse</p> <p>17 action against a student on the basis of race, I would</p> <p>18 find that unacceptable. As a professor, I would find</p> <p>19 that totally unacceptable. But I haven't found any</p> <p>20 documentation that shows any such actions on my part.</p> <p>21 Q. BY MR. WALTON: For the -- so for the</p> <p>22 defendants that you've named in this lawsuit for</p> <p>23 defamation, except for Rachel Gain, it's my</p> <p>24 understanding that all of those other defendants are</p> <p>25 faculty members or were faculty members at UNT at the</p>	<p style="text-align: right;">270</p> <p>1 A. It does.</p> <p>2 Q. I want to ask you to turn to page 164 on --</p> <p>3 MR. ALLEN: 164, you're going to?</p> <p>4 Q. BY MR. WALTON: Yes. On the -- the top of the</p> <p>5 page, the internal journal pagination numbers, since we</p> <p>6 don't have Bates labels. Page 164, the -- at the very</p> <p>7 top of the page, this sentence that first begins there</p> <p>8 says, "African-Americans have the right to embrace their</p> <p>9 own culture as precious."</p> <p>10 What do you mean by "their own culture"?</p> <p>11 A. So I mean there what I specify, rap music, hip</p> <p>12 hop, et cetera. That's what I mean. In other words,</p> <p>13 genres -- especially genres that come out of the</p> <p>14 African-American culture. And I should have included</p> <p>15 jazz there, too, and other forms of music that</p> <p>16 originated in the black community here in America.</p> <p>17 Q. And I guess what research did you perform to --</p> <p>18 to verify what aspects of music are or are not aspects</p> <p>19 of African-American culture?</p> <p>20 A. Well, I'm not an expert in African-American</p> <p>21 music, but definitely I think there's a broad consensus</p> <p>22 that jazz, rap music, and certain kinds of hip hop music</p> <p>23 as well are all genres that originated in the</p> <p>24 African-American community and which are widely regarded</p> <p>25 as the culture that has grown up in the African-American</p>



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1 I, TIMOTHY JACKSON, Ph.D., have read the foregoing  
 2 deposition and hereby affix my signature that same is  
 3 true and correct, except as noted above.  
 4  
 5  
 6  
 7  
 8 THE STATE OF \_\_\_\_\_  
 9 COUNTY OF \_\_\_\_\_  
 10 Before me \_\_\_\_\_ on this day  
 11 personally appeared TIMOTHY JACKSON, Ph.D., known to me  
 12 (or proved to me under the oath or through  
 13 \_\_\_\_\_) (description of identity card or  
 14 other document) to be the person whose name is  
 15 subscribed to the foregoing instrument and acknowledged  
 16 to me that they executed the same for the purposes and  
 17 consideration therein expressed.  
 18 Given under my hand and seal of office this  
 19 \_\_\_\_\_ day of \_\_\_\_\_, 2024.  
 20  
 21  
 22  
 23 NOTARY PUBLIC IN AND FOR  
 24 THE STATE OF \_\_\_\_\_  
 25

1 November 16, 2024;  
 2 I further certify that pursuant to FRCP Rule  
 3 30(f)(1) that the signature of the deponent:  
 4 \_\_\_X\_\_\_ was requested by the deponent or a part  
 5 before the completion of the deposition and that the  
 6 signature is to be before any notary public and returned  
 7 within 30 days from the date of receipt of the  
 8 transcript. If returned, the attached Changes and  
 9 Signature Page contains any changes and the reasons  
 10 therefore:  
 11 \_\_\_\_\_ was not requested by the deponent or a  
 12 part before the completion of the deposition.  
 13 I further certify I am neither counsel for,  
 14 related to, nor employed by any of the parties or  
 15 attorneys in the action in which this proceeding was  
 16 taken, and further that I am not financially or  
 17 otherwise interested in the outcome of the action.  
 18 Certified to by me this 17th day of OCTOBER,  
 19 2024.  
 20  
 21  
 22  
 23 Nicole A. Hatler, Texas CSR 11275  
 24 Expiration Date: 11/30/24  
 25 Integrity Legal Support Solutions  
 9901 Brodie Ln., #160-400  
 Austin, TX 78748  
 (512) 320-8609  
 www.integritylegal.support

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1 UNITED STATES DISTRICT COURT  
 2 EASTERN DISTRICT OF TEXAS  
 3 SHERMAN DIVISION  
 4 TIMOTHY JACKSON, §  
 5 §  
 6 Plaintiff, §  
 7 § Civil Action No.  
 8 VS. §  
 9 § 4:21-cv-00033-ALM  
 10 LAURA WRIGHT, et al., §  
 11 §  
 12 Defendants. §  
 13 §  
 14  
 15 REPORTER'S CERTIFICATION  
 16 ORAL AND VIDEOTAPED  
 17 DEPOSITION OF TIMOTHY JACKSON, Ph.D.  
 18 SEPTEMBER 24, 2024  
 19  
 20 I, Nicole A. Hatler, Certified Shorthand  
 21 Reporter No. 11275 in and for the State of Texas, hereby  
 22 certify to the following:  
 23 That the witness, TIMOTHY JACKSON, Ph.D., was  
 24 duly sworn by the officer and that the transcript of the  
 25 oral deposition is a true record of the testimony given  
 by the witness;  
 That the original deposition transcript was  
 delivered to October 17, 2024;  
 That the copy of this certificate was served  
 on all parties and/or the witness shown herein on

Peter Michael Kohanski 5/18/21 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, )  
5 Plaintiff, )  
6 v. ) CASE NO.  
7 LAURA WRIGHT, et al, ) 4:21-cv-00033-ALM  
8 Defendants. )  
9 )  
10 )

11 ORAL DEPOSITION OF  
12 PETER MICHAEL KOHANSKI  
13 MAY 18, 2021  
14  
15  
16

17 ORAL DEPOSITION OF PETER MICHAEL KOHANSKI, produced  
18 as a witness at the instance of the Plaintiff, and duly  
19 sworn, was taken in the above-styled and numbered cause  
20 on May 18, 2021, from 9:07 a.m. to 11:29 a.m., before  
21 Nita G. Cullen, CSR in and for the State of Texas,  
22 reported by machine shorthand, at the Law Offices of  
23 Cutler Smith, 12750 Merit Drive, Suite 1450, in the City  
24 of Dallas, County of Dallas, State of Texas, pursuant to  
25 the Federal Rules of Civil Procedure.

Peter Michael Kohanski 5/18/21 3

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Peter Michael Kohanski 5/18/21 2

1 A P P E A R A N C E S

3 FOR THE PLAINTIFF:

4 MR. MICHAEL THAD ALLEN  
5 MS. SAMANTHA HARRIS  
6 ALLEN LAW, LLC  
7 P.O. Box 404  
8 Quaker Hill, Connecticut 06375  
9 860.772.4738  
10 860.469.2783 Fax  
11 m.allen@allen-lawfirm.com

9 FOR THE DEFENDANTS:

10 MR. MATT BOHUSLAV  
11 ASSISTANT ATTORNEY GENERAL  
12 GENERAL LITIGATION DIVISION  
13 ATTORNEY GENERAL OF TEXAS  
14 P.O. Box 12548, Capitol Station  
15 Austin, Texas 78711  
16 matthew.bohuslav@oag.texas.gov

14 AND

15 MR. RENALDO STOWERS  
16 SENIOR ASSOCIATE GENERAL COUNSEL  
17 UNIVERSITY OF NORTH TEXAS SYSTEM  
18 OFFICE OF GENERAL COUNSEL  
19 1155 Union Circle  
20 Denton, Texas 76203  
21 940.565.2717  
22 reinaldo.stowers@untsystem.edu

20 ALSO PRESENT:

21 MR. TIMOTHY JACKSON  
22  
23  
24  
25

Peter Michael Kohanski 5/18/21

4

1 P R O C E E D I N G S

2 PETER MICHAEL KOHANSKI,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. ALLEN:

6 Q. Good morning, Mr. Kohanski. As you know, this  
7 is a deposition. I'm just going to ask you a few  
8 questions to get started and discuss sort of some ground  
9 rules, if you will. Could you --

10 MR. ALLEN: Did you get his full name?

11 COURT REPORTER: Yes.

12 Q. (By Mr. Allen) Okay. This is an extension of  
13 the Court. It's a very formal conversation. There will  
14 be times at which counsel may object. Can I ask you if  
15 you're represented by counsel today?

16 A. Yes.

17 Q. Who is your attorney?

18 A. Matt.

19 MR. ALLEN: So, Matt, when we -- if I  
20 could, when we discussed this, you said you were not  
21 representing the witnesses. Mr. Kohanski's not a party,  
22 but the State has stepped in to represent them?

23 MR. BOHUSLAV: Yes.

24 MR. ALLEN: Okay. Thank you.

25 Q. (By Mr. Allen) So, he -- your counsel -- Mr.

1 Q. And you also call, on No. 3, for a "full,  
2 detailed, and public account of the editorial and  
3 publication process," do you see that?  
4 A. Yes, I do.  
5 Q. Was that ever provided?  
6 A. Yes.  
7 Q. In what form?  
8 A. The ad hoc review panel convened by the  
9 provost.  
10 Q. Did you mean Provost Jennifer Cowley?  
11 A. Yes.  
12 Q. Did you know that Provost Cowley asked  
13 Professor Jackson to submit a response to that ad hoc  
14 panel report?  
15 A. Yes.  
16 Q. Was that ever made public?  
17 A. Not to my knowledge. I don't believe I've ever  
18 seen it.  
19 Q. So, is it fair to say that you were not  
20 familiar with Timothy Jackson's response to the ad hoc  
21 panel's report, correct?  
22 A. Yes. Besides anything I've seen in the lawsuit  
23 documents.  
24 Q. Do you know if the University has ever  
25 published his response?

1 A. I don't know.  
2 Q. Would it be the position of the graduate  
3 students who wrote this statement that that should be  
4 disclosed?  
5 A. I believe so.  
6 Q. Well, do you, personally, believe that should  
7 be disclosed?  
8 A. Yes.  
9 Q. Do you know why it hasn't been disclosed?  
10 A. I do not know.  
11 Q. Moving down to No. 4, you want to hold  
12 accountable every person responsible for the direction  
13 of the publication, correct?  
14 A. That's correct.  
15 Q. And you refer to "past bigoted behaviors by  
16 faculty." Did I read that correctly?  
17 A. That's correct.  
18 Q. Could you enumerate for me the past bigoted  
19 behaviors of faculty that you are describing here?  
20 A. I don't have very many specifics. I'm sure  
21 other graduate students would be able to talk more about  
22 those. I did -- I will say, however, I did receive one  
23 e-mail, when this was happening, from a past student who  
24 said -- who is an Asian student, from somewhere in Asia,  
25 and he said that Dr. Jackson told him to try speaking

1 with rocks in his mouth to help his enunciation and  
2 diction and speak English better.  
3 Q. Do you know if this individual could speak  
4 English well?  
5 A. I do not know.  
6 Q. Would that be improper, to tell someone that  
7 they could learn to improve their English?  
8 A. In the way that he did it, yes.  
9 Q. Why is that? What in the way he did it, which  
10 you heard from the student's e-mail? What part of that  
11 was improper, in your view?  
12 A. I guess I'm not sure how to describe -- or I'm  
13 not sure how I can tell someone that telling someone to  
14 put rocks in their mouth is improper.  
15 Q. Well, does that mean there's no basis for you  
16 to judge it one way or another, since you don't seem to  
17 be able to articulate it?  
18 MR. BOHUSLAV: Objection, argumentative;  
19 objection, leading.  
20 A. No, I think it's improper.  
21 Q. (By Mr. Allen) So, what is improper about  
22 that?  
23 A. Someone has the potential to get hurt and  
24 physically wound themselves by putting rocks in their  
25 mouth, and probably using their jaw and I guess chewing

1 on them.  
2 Q. Do you know if Dr. Jackson instructed the  
3 student to chew on rocks?  
4 A. I don't.  
5 Q. You said earlier that you've learned two  
6 foreign languages? Am I mistaken?  
7 A. Well, I need to learn two foreign languages.  
8 Q. Are you fluent in any foreign languages?  
9 A. No.  
10 Q. Would you consider it harmful to have a native  
11 foreign speaker correct your pronunciation in a foreign  
12 language?  
13 A. Depends on the way they do it.  
14 Q. How would you prefer that they do it?  
15 A. I suppose in private and from a place of care  
16 and helpful -- being helpful.  
17 Q. So, their subjective feelings would be the most  
18 important thing, is that it?  
19 MR. BOHUSLAV: Objection, argumentative;  
20 objection leading.  
21 A. No, I suppose the most important thing would be  
22 the way they go about it.  
23 Q. (By Mr. Allen) And how should they go about  
24 it?  
25 A. By not calling someone out and correcting them

1 Q. (By Mr. Allen) Now, Mr. Kohanski, I'm going to  
 2 represent to you that this Exhibit 3, which oddly enough  
 3 the first line says "Exhibit 3," was taken from the ad  
 4 hoc panel report of the University of North Texas. Do  
 5 you know what I'm referring to when I refer to the ad  
 6 hoc panel report?  
 7 A. Yes.  
 8 Q. And could you describe for the Court what you  
 9 understand is the ad hoc panel report?  
 10 A. It was a report that was the product of an  
 11 investigation into the conception and the editorial  
 12 process of the Journal of Schenkerian Studies, Volume  
 13 12.  
 14 Q. And that was a culmination of policies and  
 15 administrative actions that you requested the University  
 16 take with regard to Professor Jackson, correct?  
 17 A. Sorry, can you repeat that?  
 18 Q. This investigation -- you just described the ad  
 19 hoc panel's investigation into the journal and Professor  
 20 Jackson, correct?  
 21 A. Yes.  
 22 Q. And that was the culmination of things you had  
 23 asked for, as graduate students, in circulating your  
 24 letter.  
 25 A. In part.

1 Q. The letter in Exhibit 2, correct?  
 2 A. In part.  
 3 Q. So, it's safe to say that was a realization of  
 4 one of the things you had asked for.  
 5 A. Yes.  
 6 Q. And one thing -- you'll see this goes back and  
 7 front, sorry, on the page, Exhibit 3. One thing I find  
 8 curious is that it's different in form from the one you  
 9 first circulated in Exhibit 2. And revisiting  
 10 Exhibit 2, it seems to be dated somewhere around  
 11 July 29th, 2020.  
 12 And yet this one, which is incorporated in  
 13 the ad hoc panel report, which I believe appeared on  
 14 November 25th, 2020, and if I get the date wrong, it's  
 15 in that time range, is slightly different.  
 16 A. Uh-huh. That's correct.  
 17 Q. And so, could you tell me how this document  
 18 came to be different from the one you circulated in late  
 19 July?  
 20 A. This document was written and circulated first,  
 21 before the one in Exhibit 2, and our goal with this  
 22 document was more to issue an apology and to try to  
 23 ensure an accountability and things like that.  
 24 Q. When was this document circulated? Let me  
 25 retract that, please.

1 When was this document, Exhibit 3,  
 2 circulated first?  
 3 A. Again, that first week in late July. I don't  
 4 remember the exact date, but, again, it was that first  
 5 week where all of this happened, in late July of 2020.  
 6 Q. And I'm going to represent to you that the  
 7 Journal of Schenkerian Studies released Volume 12  
 8 sometime around July 25th, 2020. Is that your  
 9 understanding, as well, Mr. Kohanski?  
 10 A. Yes.  
 11 Q. And Exhibit 2 was circulated, it would appear,  
 12 at least by July 29th, 2020, four days later, correct?  
 13 A. Yes.  
 14 Q. So, is it safe to say this was circulated first  
 15 sometime between July 25th and July 28th?  
 16 A. Yes.  
 17 Q. And who authored this publication or -- let's  
 18 refer to it as the first statement, is that fair?  
 19 A. That's fine.  
 20 Q. So, Exhibit 3, the first statement, who  
 21 authored this first statement?  
 22 A. To the best of my knowledge -- so, I was not as  
 23 involved in actually drafting and writing this statement  
 24 as I was with the second one, so I wasn't in the  
 25 meetings where that happened, but I believe it was Brian

1 Anderson, Rachel Gain, Salvador Hernandez, Elizabeth  
 2 Durrant, that's D-U-R-R-A-N-T.  
 3 Q. What was her first name, again?  
 4 A. Elizabeth.  
 5 Q. Elizabeth?  
 6 A. And I -- to the best of my knowledge, that's  
 7 everyone I remember.  
 8 Q. Thank you. Do you know if these individuals  
 9 who drafted the first statement had actually read the  
 10 Volume 12 symposium of the Journal for Schenkerian  
 11 Studies?  
 12 A. I'm sure they read part or all of it.  
 13 Q. At what time did you become involved in  
 14 drafting these various statements?  
 15 A. From the start. I just wasn't someone who  
 16 decided or who was involved in actually writing this  
 17 one.  
 18 Q. Were you helping organize that from within the  
 19 graduate association?  
 20 A. Organize what? I'm sorry.  
 21 Q. Sorry. Organizing the drafting of these  
 22 statements? Were you helping organize that?  
 23 A. Yes. As one of the student leaders of the  
 24 division, yes, I was helping organize all this.  
 25 Q. And if you skip down towards the end there,

1 there's a numeral 3. See, "hold accountable every  
2 person responsible for the direction of the  
3 publication"?  
4 **A.** Yes.  
5 **Q.** Is there anything referred to in this paragraph  
6 that we haven't already discussed, in terms of the  
7 second statement, which was Exhibit 2?  
8 **A.** No, I don't believe so.  
9 **Q.** So, where it says, "specifically, the actions  
10 of Dr. Jackson -- both past and present -- are  
11 particularly racist and unacceptable," as you sit here  
12 today, you can't identify any other actions that Mr. --  
13 or excuse me -- Professor Jackson engaged in, other than  
14 those we've already discussed.  
15 **A.** That's correct.  
16 **Q.** I want to return to this issue of diversity,  
17 equity and inclusion, which I believe is also referred  
18 to in this first statement. If you look at the third  
19 sentence in that last paragraph, "we gratefully  
20 acknowledge the push for inclusion and diversity in  
21 academia," do you see that?  
22 **A.** Yes, I do.  
23 **Q.** And did I read that correctly?  
24 **A.** Yes.  
25 **Q.** Could you explain to me, again, what is meant

1 by "diversity and inclusion"?  
2 **A.** I think, generally speaking, in music academia,  
3 the systems that are in place uphold whiteness and favor  
4 whiteness, by which I mean white music and white  
5 composers as the primary object of study. And by  
6 talking about inclusion and diversity, we need to change  
7 that and recognize equality through difference. That is  
8 all musics are no greater and no less than any other  
9 one, but they're just as valid in terms of their musical  
10 and cultural expression.  
11 So, that's on maybe a more cultural level  
12 than speaking on a very practical level. I believe the  
13 field is also -- there aren't a lot of people of color  
14 in the field or otherwise, you know, minorities and  
15 marginalized people, and I believe that needs to change,  
16 as well.  
17 **Q.** How do you intend for the inclusion and  
18 diversity initiative you just described to change that  
19 fact?  
20 **A.** Did I describe initiatives?  
21 **Q.** It sounded to me like you wanted more people of  
22 color to be recruited to study this field of study  
23 you've chosen for your own scholarship. Is that a fair  
24 characterization?  
25 **A.** Yes.

1 **Q.** And you also wanted to -- and, again, correct  
2 me if I'm wrong, but I'm trying to summarize what you  
3 said, so I'm not trying to invent things here, but it  
4 sounded to me like you also suggested that there should  
5 be less emphasis on what you characterize as white music  
6 and more emphasis on what you characterize as music of  
7 people of color, is that correct?  
8 **A.** No.  
9 **Q.** So, could you explain that to me once again?  
10 **A.** To elevate other musics does not mean to  
11 diminish western classical music. It means -- it means  
12 creating a bigger space for everything.  
13 **Q.** How would you go about accomplishing that  
14 bigger space for everything with diversity and inclusion  
15 initiatives?  
16 **A.** I mean, that's in part, I think, a job for  
17 people much higher up than me at this point in my life.  
18 **Q.** Do you know -- sorry. Go ahead.  
19 **A.** I mean, I'm only a graduate student.  
20 **Q.** Do you know of anything Professor Jackson has  
21 done to prevent the inclusion of other forms of music in  
22 the division?  
23 **A.** I think Schenkerian analysis is necessarily  
24 exclusive.  
25 **Q.** So, you think Schenkerian analysis is

1 exclusive. Why is that?  
2 **A.** Because it was developed to study a very  
3 specific type of music. And, again, I'm no expert here,  
4 but based on what I know.  
5 **Q.** Were you aware that Heinrich Schenker himself  
6 applied his analysis to black jazz music in the '20s?  
7 **A.** I was not.  
8 **Q.** Do you think that's impermissible?  
9 **A.** I think there's better ways to study jazz  
10 music.  
11 **Q.** So you would like to exclude Schenkerian  
12 analysis from the division?  
13 **A.** No, I didn't say that.  
14 **Q.** Do you think the application of Schenkerian  
15 analysis to music is itself racist?  
16 **A.** So, are you talking about the theory itself?  
17 The analysis itself?  
18 **Q.** Well, let's start again. What do you --  
19 describe -- you're the graduate student, right? I can  
20 assure you, I am a musical troglodyte, especially  
21 compared to you, Mr. Kohanski, so why don't you describe  
22 for the Court your understanding of Schenkerian  
23 analysis.  
24 **A.** So, to be honest, I have a very limited  
25 understanding of Schenkerian analysis because I've never

93

1 Q. I recognize two of those names as faculty. Is

2 the third -- the last name you mentioned was who?

3 A. Miles McLean. He is a graduate student in the

4 division.

5 Q. Is he in any way involved in your graduate

6 association?

7 A. No. But he's involved in the other one.

8 Q. What is the other one?

9 A. The Student Society for Ethnomusicology at

10 North Texas.

11 Q. Are you a member of that one, as well?

12 A. I am not.

13 Q. You know, the last question I wanted to ask you

14 is, it seems like you were soliciting signatures, at

15 least to Exhibit 2, correct?

16 A. That is correct.

17 Q. Do you have a list of all of those signatures

18 anywhere?

19 A. It's included in the documents we sent.

20 Q. The ones that you produced in response to the

21 subpoena.

22 A. That's correct.

23 MR. ALLEN: Thank you. I'm going to take

24 a break. Again, we've been going for another hour. I

25 think we're almost done. I just want to check my notes

1 and talk to my co-counsel.

2 MR. BOHUSLAV: Okay.

3 MR. ALLEN: And then we'll -- I guess then

4 we can reconvene and probably -- I don't know if you'll

5 want to do any cross examination, but that will be up to

6 you, Matt.

7 MR. BOHUSLAV: Okay.

8 (OFF THE RECORD FROM 11:19 TO 11:29 A.M.)

9 (MR. STOWERS IS NOT PRESENT IN ROOM.)

10 MR. ALLEN: So, Attorney Bohuslav, I have

11 finished my examination of the witness, and I pass the

12 witness to you.

13 MR. BOHUSLAV: We will reserve for the

14 time of trial.

15 MR. ALLEN: Thank you. So, we'll conclude

16 the deposition for you and go off the record.

17 MR. BOHUSLAV: Okay.

18 (DEPOSITION ADJOURNED AT 11:29 A.M.)

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF TEXAS

3 SHERMAN DIVISION

4 TIMOTHY JACKSON, )

5 )

6 Plaintiff, )

7 ) Case No.

8 v. )

9 ) 4:21-cv-00033-ALM

10 LAURA WRIGHT, et al, )

11 )

12 Defendants. )

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DEPOSITION CERTIFICATE  
PETER MICHAEL KOHANSKI  
MAY 18, 2021

I, Nita G. Cullen, Certified Shorthand  
Reporter in and for the State of Texas, hereby certify  
to the following:

That the witness, PETER MICHAEL KOHANSKI, was  
duly sworn by the officer and that the transcript of the  
oral deposition is a true record of the testimony given  
by the witness;

I further certify that pursuant to FRCP Rule  
30(f)(1) that the signature of the deponent:  
\_\_\_\_ was requested by the deponent or a  
party before the completion of the deposition and is to

1 be returned within 30 days from date of receipt of the

2 transcript. If returned, the attached Changes and

3 Signature Page contains any changes and the reasons

4 therefor;

5 X was not requested by the deponent or a

6 party before the completion of the deposition.

7 I further certify that I am neither attorney

8 or counsel for, nor related to or employed by, any of the

9 parties or attorneys to the action in which this

10 deposition was taken.

11 Further, I am not a relative or employee of

12 any attorney of record in this case, nor am I financially

13 interested in the outcome of the action.

14 Subscribed and sworn to on this 14th day of

15 June, 2021.

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NITA G. CULLEN, Texas CSR #1563  
Expiration Date: 08-31-2022  
JULIA WHALEY & ASSOCIATES  
Firm Registration No. 436  
2012 Vista Crest Drive  
Carrollton, Texas 75007-1640  
214.668.5578

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

TIMOTHY JACKSON, )  
)  
Plaintiff, )  
)  
VS. ) CIVIL ACTION  
)  
LAURA WRIGHT, ET AL. ) NO.: 4:21-cv-00033-ALM  
)  
Defendants. )  
)  
)

-----  
ORAL AND VIDEOTAPED DEPOSITION OF  
STEPHEN SLOTTOW, PhD  
NOVEMBER 7, 2024  
-----

ORAL AND VIDEOTAPED DEPOSITION OF STEPHEN  
SLOTTOW, PhD, produced as a witness at the instance  
of the DEFENDANTS, and duly sworn, was taken in the  
above-styled and numbered cause on November 7, 2024,  
from 8:31 a.m. to 4:41 p.m., via Zoom teleconference  
before Vanessa J. Theisen, CSR in and for the State  
of Texas, and RPR, reported by machine shorthand, at  
the University of North Texas System, 801 North Texas  
Boulevard, Gateway Suite #340, Denton, Texas 76201,  
pursuant to the Federal Rules of Civil Procedure and  
any provisions stated on the record or attached  
hereto.



<p>26</p> <p>1 opportunity given for a response.</p> <p>2 Usually at a plenary address there's</p> <p>3 some room for questions and responses afterwards.</p> <p>4 But this plenary address, since he was one of, I</p> <p>5 think, three or four people who was talking on</p> <p>6 different topics, there were no question-and-answer</p> <p>7 periods.</p> <p>8 And then, very unusually, there was</p> <p>9 no -- there were no articles. There was no response</p> <p>10 in the journals. There was nothing. There was no</p> <p>11 opportunity to give any response. So the Journal of</p> <p>12 Schenkerian Studies decided that we would post a</p> <p>13 response and solicit articles from music theorists,</p> <p>14 including us, Dr. Jackson and myself, whoever wanted</p> <p>15 to respond.</p> <p>16 This led to -- we were -- since Ewell</p> <p>17 was accusing Heinrich Schenker of being a racist and</p> <p>18 that his racism was affecting his music theory,</p> <p>19 therefore, he was promulgating a racist music theory,</p> <p>20 and it was certainly the kiss of death to be in any</p> <p>21 way associated with racism, the school was terribly,</p> <p>22 terribly embarrassed and then afraid of bad publicity</p> <p>23 and reacted to that. That's what I mean.</p> <p>24 Q. Who at the school was -- reacted, as you</p> <p>25 say?</p>	<p>28</p> <p>1 Q. Do you think the college's reputation was</p> <p>2 damaged by the journal?</p> <p>3 A. I don't know. If music theory -- the</p> <p>4 division of music history and ethnomusicology, they</p> <p>5 were certainly on the receiving end of a lot of</p> <p>6 disapproval, so they certainly thought they were.</p> <p>7 Perhaps their reputation was damaged by those who</p> <p>8 were outraged that we would criticize Philip Ewell's</p> <p>9 opinions.</p> <p>10 Q. Who are you talking about when you say, "by</p> <p>11 those who were outraged that you would criticize</p> <p>12 Philip Ewell's opinions"?</p> <p>13 A. Music theorists, musicologists, people</p> <p>14 like -- people like -- people who would -- wrote</p> <p>15 blogs on music.</p> <p>16 If you look on YouTube, there is an</p> <p>17 awful lot of support for Ewell's views, and, mixed</p> <p>18 with that, would be attacks on Dr. Jackson, to some</p> <p>19 extent me, and sort of by reflection, on the music</p> <p>20 theory department of UNT -- not department -- area,</p> <p>21 yes. It was a big kerfuffle, yes.</p> <p>22 Q. And so was this coming from outside of UNT,</p> <p>23 inside of UNT?</p> <p>24 A. Well, it was certainly coming from outside</p> <p>25 of UNT, but it was coming from inside UNT also,</p>
<p>27</p> <p>1 A. Well, I know that Dr. Brand did and the dean</p> <p>2 did. And beyond that, I don't know for certain.</p> <p>3 Q. How do you know that Dr. Brand and the dean</p> <p>4 did?</p> <p>5 A. Because it was -- as I said, it was</p> <p>6 Dr. Brand, with consultation from the dean, who told</p> <p>7 us that we would no longer be handling the journal</p> <p>8 and the center.</p> <p>9 Q. He told you that?</p> <p>10 A. Well, he told Tim -- he told Dr. Jackson</p> <p>11 that, I think. I don't think he told me directly,</p> <p>12 and I got it from Dr. Jackson, certainly.</p> <p>13 Q. Okay. So you said Dr. Brand and the dean at</p> <p>14 the time. Was the dean John Richmond by chance?</p> <p>15 A. I don't -- I'm not sure if the dean -- if it</p> <p>16 was Richmond or Scott. I -- for some reason I think</p> <p>17 it was Richmond, but I'm not entirely sure. I think</p> <p>18 it was John Richmond.</p> <p>19 Q. Do you think they had reason to be</p> <p>20 embarrassed?</p> <p>21 A. Well, administrators are always terribly</p> <p>22 concerned with the reputation of their programs and</p> <p>23 the schools, and they're very sensitive to bad</p> <p>24 publicity, so they probably did. We were certainly</p> <p>25 getting plenty of bad publicity.</p>	<p>29</p> <p>1 because a petition was put together by the majority</p> <p>2 of UNT -- well, of faculty of the division of music</p> <p>3 history, music theory, and ethnomusicology</p> <p>4 attacking -- and also a separate petition by GAMuT,</p> <p>5 which is a graduate student organization of the</p> <p>6 division, attacking the -- criticizing the journal</p> <p>7 and criticizing Dr. Jackson, in particular, of</p> <p>8 essentially being a racist. And I think the student</p> <p>9 petition demanded his ouster from the university.</p> <p>10 And a lot of the music theory facul --</p> <p>11 the music theory and history -- well, the faculty of</p> <p>12 the division signed this -- not everyone did. And</p> <p>13 all of those people are now defendants in</p> <p>14 Dr. Jackson's suit. Well, all of the faculty and one</p> <p>15 student who's no longer a student at UNT. She's at</p> <p>16 Yale.</p> <p>17 Q. Uh-huh.</p> <p>18 A. What was the question?</p> <p>19 Q. I'm sorry, I don't recall either.</p> <p>20 MS. QUIMBY: Court reporter, could you</p> <p>21 please read it back?</p> <p>22 THE REPORTER: Yes, give me just a</p> <p>23 second.</p> <p>24 MS. QUIMBY: Yes, thank you.</p> <p>25 THE REPORTER: "And so was this coming</p>



<p>30</p> <p>1 from outside of UNT, inside of UNT?"</p> <p>2 A. Oh, yes. So it was coming from -- what I</p> <p>3 was describing is what was coming from inside UNT. I</p> <p>4 think before I was describing what was coming from</p> <p>5 outside.</p> <p>6 Q. So the YouTube posts and blogs posts you</p> <p>7 described earlier, that was from outside of UNT?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. You described both -- you described</p> <p>10 petitions of both the faculty and the students,</p> <p>11 correct?</p> <p>12 A. Well, students through the student</p> <p>13 organization called GAMuT. I forget exactly what</p> <p>14 GAMuT stands for, but it's an association of music</p> <p>15 history, theory -- music history and theory graduate</p> <p>16 students.</p> <p>17 Q. What about it was a petition, or why did you</p> <p>18 use the word "petition"?</p> <p>19 A. Is it not a good word? A document that</p> <p>20 people signed onto requesting, nay demanding. I</p> <p>21 think "petition" is a fine -- is appropriate.</p> <p>22 Q. I wasn't questioning you. I'm just curious</p> <p>23 about why you chose that word, that's all.</p> <p>24 A. I think because that's what it was.</p> <p>25 Q. That's fair. So you described the faculty</p>	<p>32</p> <p>1 you --</p> <p>2 A. Yeah, I was trying to remember it. MHTE,</p> <p>3 yes.</p> <p>4 Q. Do you remember who didn't of the MHTE</p> <p>5 faculty?</p> <p>6 A. Yes, well I --</p> <p>7 MR. ALLEN: Objection. Form.</p> <p>8 A. -- I don't remember everyone who didn't, but</p> <p>9 the three people who didn't was me, Dr. Heetderks,</p> <p>10 and Dr. Schwartz.</p> <p>11 Q. (BY MS. QUIMBY) How many total faculty do</p> <p>12 you recall --</p> <p>13 A. I don't recall.</p> <p>14 Q. -- in the MHTE at that time?</p> <p>15 A. I don't know how many there are. As I said,</p> <p>16 I'm not very good with dates and numbers.</p> <p>17 Q. Okay. No problem.</p> <p>18 A. I would just -- I would have to go to a</p> <p>19 register and count them.</p> <p>20 Q. You said Dr. Heetderks and Schwarz and</p> <p>21 yourself, correct?</p> <p>22 A. Us three for sure. I -- they're the only</p> <p>23 three I can think of.</p> <p>24 Q. Do you remember receiving an email from</p> <p>25 someone else on the faculty circulating that</p>
<p>31</p> <p>1 petition -- and I believe both of the petitions -- as</p> <p>2 attacking Dr. Jackson. Is that right?</p> <p>3 A. Yes. I think myself to some extent but</p> <p>4 mainly Dr. Jackson.</p> <p>5 Q. What about the faculty petition attacked</p> <p>6 Dr. Jackson, if you recall?</p> <p>7 A. Well, what about them? What do you mean?</p> <p>8 Q. Why could you say that they were -- why do</p> <p>9 you use the word "attack"?</p> <p>10 A. Well, they were attacked. They were a harsh</p> <p>11 criticism. They -- I don't think they demanded he be</p> <p>12 fired like the graduate student petition, but they</p> <p>13 were decrying his temerity in publishing such an</p> <p>14 issue and making what they conceived of as personal</p> <p>15 attacks on Philip Ewell in his own article -- one of</p> <p>16 the articles is his -- and basically taking Ewell's</p> <p>17 side in all this and saying that Schenker was a</p> <p>18 racist and that Dr. Jackson was a racist for</p> <p>19 defending Schenker, and it was all quite disgraceful.</p> <p>20 Q. And you said the majority of faculty signed</p> <p>21 that, correct?</p> <p>22 A. Of music history and theory faculty, yes.</p> <p>23 Q. Is that yeah the MHTE?</p> <p>24 A. Yes.</p> <p>25 Q. Can we use -- if we use that acronym, will</p>	<p>33</p> <p>1 petition?</p> <p>2 A. Dr. Geoffroy-Schwinden, I think, is the one</p> <p>3 who started it.</p> <p>4 Q. Uh-huh.</p> <p>5 A. And I did get emails from her, asking me to</p> <p>6 sign it.</p> <p>7 Q. Did you respond?</p> <p>8 A. Yeah. I think I said no, I wouldn't sign</p> <p>9 it.</p> <p>10 Q. Did you object to any of the content in the</p> <p>11 letter that was being circulated?</p> <p>12 A. Yeah, almost all of it.</p> <p>13 Q. Did you tell her that?</p> <p>14 A. Yeah, I think I did. I said I didn't want</p> <p>15 to sign it for two reasons. Because, one, being in</p> <p>16 the center, I thought it would be rather hypocritical</p> <p>17 to protest actions that I was a part of and sort of</p> <p>18 ridiculous. I didn't use that word.</p> <p>19 And the other was that I did not believe</p> <p>20 in the charges that were being made. I did not think</p> <p>21 it was a -- that it was a rac -- that Dr. Jackson or</p> <p>22 the journal was being racist in any way by discussing</p> <p>23 and soliciting responses.</p> <p>24 The only responses officially that</p> <p>25 existed at the time -- there was this strained</p>

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1 CHANGES AND SIGNATURE

2 WITNESS NAME: STEPHEN SLOTTOW, PhD

3 DATE OF DEPOSITION: NOVEMBER 7, 2024

4 PAGE	LINE	CHANGE	REASON
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1 THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

2 SHERMAN DIVISION

3 TIMOTHY JACKSON, )  
)  
4 Plaintiff, )  
)

5 VS. ) CIVIL ACTION  
)

6 LAURA WRIGHT, ET AL. ) NO.: 4:21-cv-00033-ALM  
)

7 Defendants. )

8

9 REPORTER'S CERTIFICATION OF THE ORAL  
DEPOSITION OF STEPHEN SLOTTOW, PhD  
NOVEMBER 7, 2024

10

11 I, Vanessa J. Theisen, a Certified  
12 Shorthand Reporter in and for the State of Texas,  
13 hereby certify to the following:  
14 That the witness, STEPHEN SLOTTOW, PhD,  
15 was duly sworn by the officer and that the transcript  
16 of the oral deposition is a true record of the  
17 testimony given by the witness;  
18 That the original deposition was delivered  
19 to Mr. Patrick Todd to obtain witness's signature.  
20 That a copy of this certificate was served  
21 on all parties and/or the witness shown herein on  
22 November 11, 2024.  
23 I further certify that pursuant to FRCP  
24 Rule 30(3) that the signature of the deponent:  
25 \_XX\_ was requested by the deponent or a

167

1 I, STEPHEN SLOTTOW, PhD, have read the  
2 foregoing deposition and hereby affix my signature  
3 that same is true and correct, except as noted above.

4

5 \_\_\_\_\_  
STEPHEN SLOTTOW, PhD

6

7 THE STATE OF \_\_\_\_\_ )  
8 COUNTY OF \_\_\_\_\_ )

9 Before me, \_\_\_\_\_, on this day  
10 personally appeared STEPHEN SLOTTOW, PhD, known to me  
11 (or proved to me under oath or through  
12 \_\_\_\_\_) (description of identity card or  
13 other document) to be the person whose name is  
14 subscribed to the foregoing instrument and  
15 acknowledged to me that he executed the same for the  
16 purposes and consideration therein expressed.

17

18 Given under my hand and seal of office, this  
19 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
20

21 \_\_\_\_\_  
NOTARY PUBLIC IN AND FOR

22

23 THE STATE OF \_\_\_\_\_

24 My commission expires: \_\_\_\_\_  
25 \_\_\_\_\_ No Changes Made \_\_\_\_\_ Amendment Sheet(s) Attached

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1 party before the completion of the deposition and  
2 that the signature is to be before any notary public  
3 and returned within 30 days from date of receipt of  
4 the transcript.

5 If returned, the attached Changes and  
6 Signature Page contains any changes and the reasons  
7 therefore:

8 \_\_\_\_\_ was not requested by the deponent or  
9 a party before the completion of the deposition.

10 I further certify that I am neither  
11 counsel for, related to, nor employed by any of the  
12 parties or attorneys in the action in which this  
13 proceeding was taken, and further that I am not  
14 financially or otherwise interested in the outcome of  
15 the action.

16 Certified to by me on this, the 11th day  
17 of November, 2024.

18

19 \_\_\_\_\_  
VANESSA J. THEISEN, Texas CSR, RPR  
20 Texas Cert No. 3238  
Expiration Date: 10/31/25  
21 Integrity Legal Support Solutions  
Firm Registration No. 528  
22 9901 Brodie Ln., Ste. 160-400  
Austin, Texas 78748  
23 (512) 320-8690  
www.integritylegal.support  
24  
25

Levi Nigem Xenon Walls 5/18/21 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION  
4  
5 TIMOTHY JACKSON, )  
6 Plaintiff, )  
7 v. ) CASE NO.  
8 LAURA WRIGHT, et al, ) 4:21-cv-00033-ALM  
9 Defendants. )  
10 )  
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ORAL DEPOSITION OF  
LEVI NIGEM XENON WALLS  
MAY 18, 2021

ORAL DEPOSITION OF LEVI NIGEM XENON WALLS, produced  
as a witness at the instance of the Plaintiff, and duly  
sworn, was taken in the above-styled and numbered cause  
on May 18, 2021, from 12:57 p.m. to 4:52 p.m., before  
Nita G. Cullen, CSR in and for the State of Texas,  
reported by machine shorthand, at the Law Offices of  
Cutler Smith, 12750 Merit Drive, Suite 1450, in the City  
of Dallas, County of Dallas, State of Texas, pursuant to  
the Federal Rules of Civil Procedure.

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A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. MICHAEL THAD ALLEN  
MS. SAMANTHA HARRIS  
ALLEN LAW, LLC  
P.O. Box 404  
Quaker Hill, Connecticut 06375  
860.772.4738  
860.469.2783 Fax  
m.allen@allen-lawfirm.com

FOR THE DEFENDANTS:

MR. MATT BOHUSLAV  
ASSISTANT ATTORNEY GENERAL  
GENERAL LITIGATION DIVISION  
ATTORNEY GENERAL OF TEXAS  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711  
matthew.bohuslav@oag.texas.gov

AND

MR. RENALDO STOWERS  
SENIOR ASSOCIATE GENERAL COUNSEL  
UNIVERSITY OF NORTH TEXAS SYSTEM  
OFFICE OF GENERAL COUNSEL  
1155 Union Circle  
Denton, Texas 76203  
940.565.2717  
renaldo.stowers@untssystem.edu

ALSO PRESENT:

MR. TIMOTHY JACKSON

Levi Nigem Xenon Walls 5/18/21

4

P R O C E E D I N G S

LEVI NIGEM XENON WALLS,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. ALLEN:

Q. Mr. Walls, my name is Michael Allen, I'm an  
attorney for Timothy Jackson. I just wanted to talk  
about some things preliminarily. This will be a very  
formal conversation, but it's a conversation  
nonetheless. The deposition is an extension of the  
Court, and the purpose of the deposition is to find out  
what evidence you have and what you would say at trial.

So, a couple ground rules. If I -- if I  
say anything that's unclear to you, please feel free to  
interrupt me and ask for clarification. It's more than  
possible that it's my unclarity, my incompetence at  
forming a good question. So, I wouldn't want you to  
answer a question you didn't understand, is that clear?

A. Yes.

Q. So, as a corollary to that, if you don't ask  
for a clarification, I'll assume you understand my  
question; is that also clear?

A. Yes.

MR. ALLEN: Matt, in the last deposition,  
we agreed that all objections except those that go to

1 responses.

2 Q. It was certainly a lot of work for you, right?

3 A. Sure.

4 Q. It would seem that you worked very hard on this  
5 project, correct?

6 A. Well, it was my job.

7 Q. Were you -- did anyone comment about your hard  
8 work on the project at the time, that it was deficient  
9 in any way or that you weren't holding up your end?

10 A. No. I think I did well in typesetting the  
11 articles and getting rid of typos and, you know, looking  
12 at structure.

13 Q. And Levi Walls, reading your name "Levi" on the  
14 next page, page 6. I'm sorry to call you by your first  
15 name, but it's just that's the name on the thread, no  
16 disrespect intended. You know, about two sentences  
17 down, it says, "I like the job in general, because I  
18 love editing and being involved in research, but I'm not  
19 in a position to go against the people who control the  
20 journal." You see that?

21 A. Yes.

22 Q. Describe your position on the journal and how  
23 you felt you were able to discuss the initiatives of the  
24 journal with other people on the editorial board for me.

25 A. Well, when it came to discussions of what

1 should and shouldn't go into the journal, even if I had  
2 reservations, I generally kept them to myself.

3 Q. Describe your interactions with authors in the  
4 editorial process. How did you interact with the  
5 authors?

6 A. Mostly, I gave comments on readability and if  
7 there was something that they wrote that I thought was,  
8 you know, clumsy or awkward, well, I wouldn't have said  
9 "clumsy" to them, that would have come off as rude. But  
10 if the wording was somehow unclear, I would have  
11 suggested an alternate wording. And, obviously, if they  
12 were clear typos, I would have suggested changing those.

13 Generally, closest I got to content, at  
14 least in the -- you know, well, I suppose in both the  
15 large scale articles and the symposium would be comments  
16 about, like, argumentative structure. Like, if I saw an  
17 argument that just rhetorically wasn't clear, but that  
18 really doesn't have much to do with like the content of  
19 it.

20 The closest I got to talking about content  
21 was with one of the contributors, Barry Wiener. And I  
22 expressed some concern over the tone. But after that, I  
23 stopped doing that.

24 Q. And this was an author you now characterize as  
25 having published a racist article, correct?

1 A. Yes.

2 Q. And did you recognize his article as racist at  
3 the time?

4 A. Yes.

5 Q. And did you leave any writing indicating that  
6 you felt his article was racist?

7 A. I did not tell him that his article was racist.  
8 I said that the tone was -- I don't recall exactly what  
9 I said, but I think I said something along the lines  
10 that the tone was confrontational and that his arguments  
11 would come out better if it was not as confrontational  
12 or if he was less, I don't know, confrontational towards  
13 left politics?

14 Q. Is it racist to be confrontational, is that  
15 what you mean?

16 A. I don't believe it's racist to be  
17 confrontational in itself. I believe it's racist to say  
18 something along the lines of, left politics being part  
19 of reeducation camps.

20 Q. Did his article say that?

21 A. I believe that was in that article. I could be  
22 mistaken, it could have been in another article.

23 Q. And you write here, in fact, you have the  
24 exhibit, "I also don't want to lose my job." Do you see  
25 where you said that?

1 A. Yes.

2 Q. Did anyone ever threaten you with losing your  
3 job at the journal?

4 A. No.

5 Q. In fact, you quit you said, I think, July 29th,  
6 2020, if I'm not mistaken, or thereabouts?

7 A. Yes. And I was encouraged to leave by Benjamin  
8 Brand.

9 Q. Benjamin Brand being the department chair or  
10 division chair MHTE.

11 A. Yes.

12 Q. I'm always afraid I'm transposing the letters.  
13 So, he essentially told you to leave the job, is that  
14 it?

15 A. He didn't tell me to leave the job, but he knew  
16 I was unhappy in the job, especially in the recent  
17 months leading up to July. Really, from November to  
18 July. Pre-November, pre-SMT, I was actually rather  
19 happy with the job, just working on those three academic  
20 articles.

21 And up to that point, the input from the  
22 editorial board was a lot less. It was after the SMT  
23 that it became very micromanaged, and that's about the  
24 point where I started to dislike the job.

25 So, Brand knowing that I was already

1 unhappy in the job and had already been concerned about  
2 my name being attached to something that was racist,  
3 encouraged me to leave the position. And, mainly, did  
4 that by saying that my funding would be okay if I did,  
5 that I would have a position as a TA, which was my main  
6 concern.

7 Q. Which is what you've done now, correct? You've  
8 continued as a TA, correct?

9 A. Yes.

10 Q. And no one was issuing statements for you to be  
11 fired, correct?

12 A. No.

13 Q. And it was -- you were becoming dissatisfied  
14 with the job, you said from November up through July, so  
15 sounds like from the Philip Ewell talk through the  
16 publication of the journal and the resulting fallout,  
17 because of the racist content of the journal.

18 A. Yes.

19 (DEPOSITION EXHIBIT 7 MARKED.)

20 Q. (By Mr. Allen) I think you're on this e-mail,  
21 Mr. Walls. Is this your e-mail, LeviWalls@my.unt.edu?

22 A. Yes.

23 Q. Do you recall this e-mail?

24 A. Yes, I do.

25 Q. And isn't it true that this e-mail discusses

1 having a response from Ewell and others who might want  
2 to respond to the symposium in a Volume 13?

3 A. I have to remind myself everything that was  
4 said in this e-mail. Could I just have a moment to  
5 review it?

6 Q. Of course. Of course. I should have said that  
7 at the beginning, and I'm sure your attorney would have  
8 objected if I forced you to comment on a document that  
9 you couldn't read. If at any time you need time to  
10 examine a document, please just say so.

11 A. All right. What was your question?

12 Q. So, this e-mail discusses having a response  
13 from Ewell, as well as others, to the symposium in  
14 Volume 13, which would have appeared in the next  
15 subsequent volume of the Journal for Schenkerian  
16 Studies, correct?

17 A. Yes.

18 Q. Do you know if a call for papers ever went out?

19 A. For Volume 13?

20 Q. Correct.

21 A. Not that I know of.

22 Q. Why not?

23 A. I mean, I assume if it went out, it would have  
24 went to SMT list, but I actually don't keep track of  
25 it -- SMT list, that is.

1 Q. But you know for a fact no call for papers for  
2 a Volume 13, as a kind of follow-up to the symposium  
3 ever went out.

4 A. I don't know that for a fact. I just haven't  
5 seen one. As far as I know, no call ever went out for  
6 Volume 13.

7 Q. Did you prepare any such call for papers?

8 A. No.

9 Q. You participated directly in the call for  
10 papers that went out for the symposium, correct?

11 A. Yes.

12 Q. Isn't this a normal part of editorial practice,  
13 to call for responses to controversial articles that  
14 have been published?

15 A. To the best of my knowledge, I think that's  
16 normal, although I got a sense from other people that  
17 what would have been more standard would have been to  
18 specifically invite Ewell from the beginning.

19 Q. Do you know that Ewell was not invited to  
20 participate in the symposium?

21 A. He wasn't directly or explicitly invited.

22 Q. Was he invited in some way?

23 A. It is true that the call went out general or  
24 generally through the SMT list, I think, and so,  
25 theoretically, he might have had access to the call, if

1 he keeps track of the SMT list, which I mean, I imagine  
2 he does, but he wouldn't have been invited specifically.

3 Q. Do you know if Ewell participated in any of the  
4 authors' publications that were pro-Ewell that appeared  
5 in the symposium, by either consulting with them or  
6 reading their papers in advance or in any form like  
7 that? Did you have any knowledge of that, as an editor?

8 A. I think one of the articles mentioned in --  
9 sorry -- acknowledgments that they consulted with Ewell,  
10 just asking his opinion on what they wrote, but I  
11 don't -- I want to say Lett's, that could be wrong.

12 Stephen Lett.

13 Q. Stephen Lett's publication, is that what you're  
14 referring to?

15 A. Yes. I believe that was the one with the  
16 acknowledgment mentioning that they ran it by Ewell for  
17 comments.

18 Q. So if someone said Ewell had no notice that the  
19 symposium was going to be published, that would be  
20 false, correct?

21 MR. BOHUSLAV: Objection, calls for  
22 speculation.

23 A. I think he had notice, but it seemed to me --  
24 and, again, I don't really know Ewell's frame of mind --  
25 it seems as if he wanted a direct invitation, that if

1 there's something I'm forgetting, okay?

2 MR. BOHUSLAV: Okay.

3 (OFF THE RECORD FROM 4:46 TO 4:51 P.M.)

4 Q. (By Mr. Allen) Mr. Walls, I just had one last

5 question, and it goes back to the meeting in the car you

6 had with Professor Jackson, which you described in the

7 middle of a snowstorm in February at some point. Did I

8 characterize that correctly?

9 A. I wouldn't call it a snowstorm. It was just

10 lightly snowing.

11 Q. And did you go into the car to escape the

12 weather?

13 A. That was how he suggested it.

14 Q. Did he use force in any way?

15 A. No.

16 Q. Did he use coercion in any way?

17 A. No. I could have said "no".

18 Q. Thank you. And so, he didn't threaten you, if

19 you did not go into his car.

20 A. No. But he suggested that we go into the car,

21 and I just have trouble saying no to people who are my

22 advisor. And so, even though I was uncomfortable, I

23 went into the car.

24 Q. But you said you could have said no, correct?

25 A. Yes.

1 MR. ALLEN: Okay. That's all. I pass the

2 witness to you, Mr. Bohuslav.

3 MR. BOHUSLAV: We'll reserve till time of

4 trial.

5 MR. ALLEN: Thank you so much. Thank you

6 for your time. Good luck with your graduate studies.

7 (DEPOSITION ADJOURNED AT 4:52 P.M.)

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF TEXAS

3 SHERMAN DIVISION

4 TIMOTHY JACKSON, )

5 )

6 Plaintiff, )

7 ) Case No.

8 v. )

9 ) 4:21-cv-00033-ALM

10 LAURA WRIGHT, et al, )

11 )

12 Defendants. )

13 )

14

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DEPOSITION CERTIFICATE

LEVI NIGEM XENON WALLS

MAY 18, 2021

-----

15 I, Nita G. Cullen, Certified Shorthand

16 Reporter in and for the State of Texas, hereby certify

17 to the following:

18 That the witness, LEVI NIGEM XENON WALLS, was

19 duly sworn by the officer and that the transcript of the

20 oral deposition is a true record of the testimony given

21 by the witness;

22 I further certify that pursuant to FRCP Rule

23 30(f)(1) that the signature of the deponent:

24 \_\_\_\_\_ was requested by the deponent or a

25 party before the completion of the deposition and is to

1 be returned within 30 days from date of receipt of the

2 transcript. If returned, the attached Changes and

3 Signature Page contains any changes and the reasons

4 therefor;

5 X was not requested by the deponent or a

6 party before the completion of the deposition.

7 I further certify that I am neither attorney

8 or counsel for, nor related to or employed by, any of the

9 parties or attorneys to the action in which this

10 deposition was taken.

11 Further, I am not a relative or employee of

12 any attorney of record in this case, nor am I financially

13 interested in the outcome of the action.

14 Subscribed and sworn to on this 14th day of

15 June, 2021.

16

17

18

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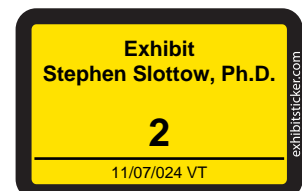
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Levi Walls, Editor  
UNT College of Music  
1155 Union Circle #311367  
Denton, TX 76203-5017  
Email correspondence: [schenker@unt.edu](mailto:schenker@unt.edu)

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## Tweet



**dr little ferret, phd**  
@imanimosley



as per always, this conversation is more complicated than it seems. it's been brought to my attention that the editors of JSS are grad students/ junior scholars, etc. please let us remember their precarity when addressing how something like this can come to fruition.

10:49 · 26/07/2020 · [Twitter for iPad](#)

**4** Retweets and comments **30** Likes



**Megan Lavengood** @meganlave... · 5m



Tweet your reply







## Tweet



**Megan Lavengood** @meganlave... · 5m ✓

Replying to @imanimosley

The journal is "run by" grad students but their editorial and advisory boards are mainly tenured senior scholars.



**Megan Lavengood** @meganlave... · 3m ✓

I haven't been involved in a student run journal myself but to me this signals that the grunt work (soliciting submissions, administration, line edits) is done by grad students but the burden of peer reviewing and such can be squarely put on the shoulders of the boards



**Mariusz Kozak** @prof\_kozak · 8m ✓

Replying to @imanimosley

I was told the same, but these are not junior scholars

[mhete.music.unt.edu/editorial-board](https://mhete.music.unt.edu/editorial-board)



Tweet your reply







# Tweet



**Sam Reenan** @sam\_reenan · 7m

This brings up a really important question, which is whether these essays even were peer reviewed. If they were, how did the editorial board fail so hard. If they weren't, it's a damn shame that senior scholars would manipulate their power to espouse such views.

1      ↻      3      ↗



**Mariusz Kozak** @prof\_kozak · 6m

The same people who wrote the essays are on the editorial board 🙄

     ↻      5      ↗



**Daniel Shanahan** @danielshan... · 12m

Replying to @imanimosley

I would argue that this is another reason that Johnson (a senior scholar at their institution and likely their advisor) choosing to publish those viewpoints there is such an unscholarly abuse of power.

1      ↻ 2      7      ↗



Tweet your reply







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Replying to [@imanimosley](#)

I would argue that this is another reason that Johnson (a senior scholar at their institution and likely their advisor) choosing to publish those viewpoints there is such an unscholarly abuse of power.

1      2      7     



**Megan Lavengood** @meganlave... · 2m ▾

\*Jackson but more importantly, it sure looks that way doesn't it!?

          2     



**Louise Fristensky** @RamblingL... · 12m ▾

Replying to [@imanimosley](#)

(I'm a grad student. But also, one assumes they have an advisory professor or something?)

1           2     



**Megan Lavengood** @meganlave... · 5m ▾

Two in fact!

          1     



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# Tweet



**Robert Komaniecki**  
@Komaniecki\_R



Getting a sense of some of the inner workings of the Journal of Schenkerian studies: A former UNT student told me that when they worked on the journal, several of the board members were dead



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## Peter's post



hole of threads and tweets trying to get the whole picture lol

33 m

Like

Reply



1



Write a reply...



**Ben Graf**

I'm ashamed to be associated with it, I'm really torn up about the whole issue. Levi and I are caught in a crossfire and I'm glad to be done my association with it.

24 m

Like

Reply



3



**Peter Kohanski**

I thought of you guys and was worried you had to get caught up in it. I'm so sorry for the position you must've been in, it doesn't sound fair and must've been really difficult. I know this had to have come from higher ups.

17 m

Like

Reply



Write a reply...



Write a comment...







## Thread



**Chris Brody** @chrisbrodyMT · 15m

People are saying JSS is a "grad student journal." A possibly helpful clarification: "grad student journal" can mean several things. Type 1: run by grad students, peer review done by grad students, intended exclusively for grad students to publish in. (not JSS)



1



2



**Chris Brody** @chrisbrodyMT · 15m

Type 2: Peer review is done by PhD-holders, but otherwise run by grad students who make serious, significant decisions about the editorial direction of the journal (e.g. Intégral, ITR)



1



2



**Chris Brody** @chrisbrodyMT · 15m

Type 3: Editorial gruntwork is done by grad students, one of whom may have the title of editor, but peer review AND basically all other serious decisions are made by a PhD-holding editorial board (and may not even be endorsed by the



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## Thread

made by a FID holding editorial board  
(and may not even be endorsed by the  
"editors" who must carry out their  
directions)



**Chris Brody**  
@chrisbrodyMT



\*I could be wrong here\* but my impression is that JSS is closest to type 3. So please keep that in mind when deciding who deserves to "face consequences"—those who are responsible, on paper, for some decisions may have been put in a vulnerable, professionally impossible situation

14:42 · 26/07/2020 · [Twitter Web App](#)



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